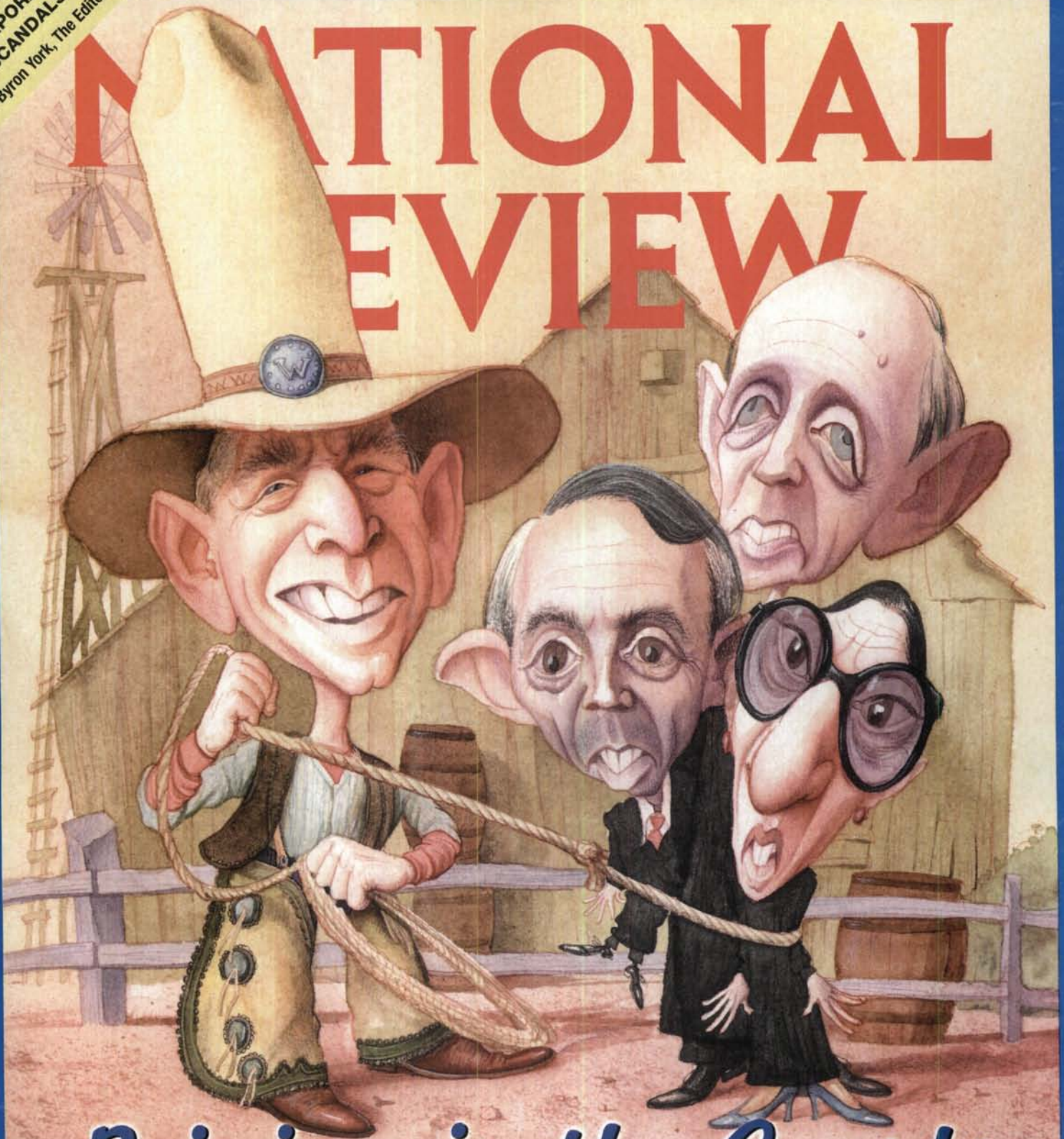


THE
CORPORATE
SCANDALS
—Byron York, The Editors

July 29, 2002 49145 \$3.95 U.S., \$4.95 Canadian

NATIONAL REVIEW



Reining in the Courts

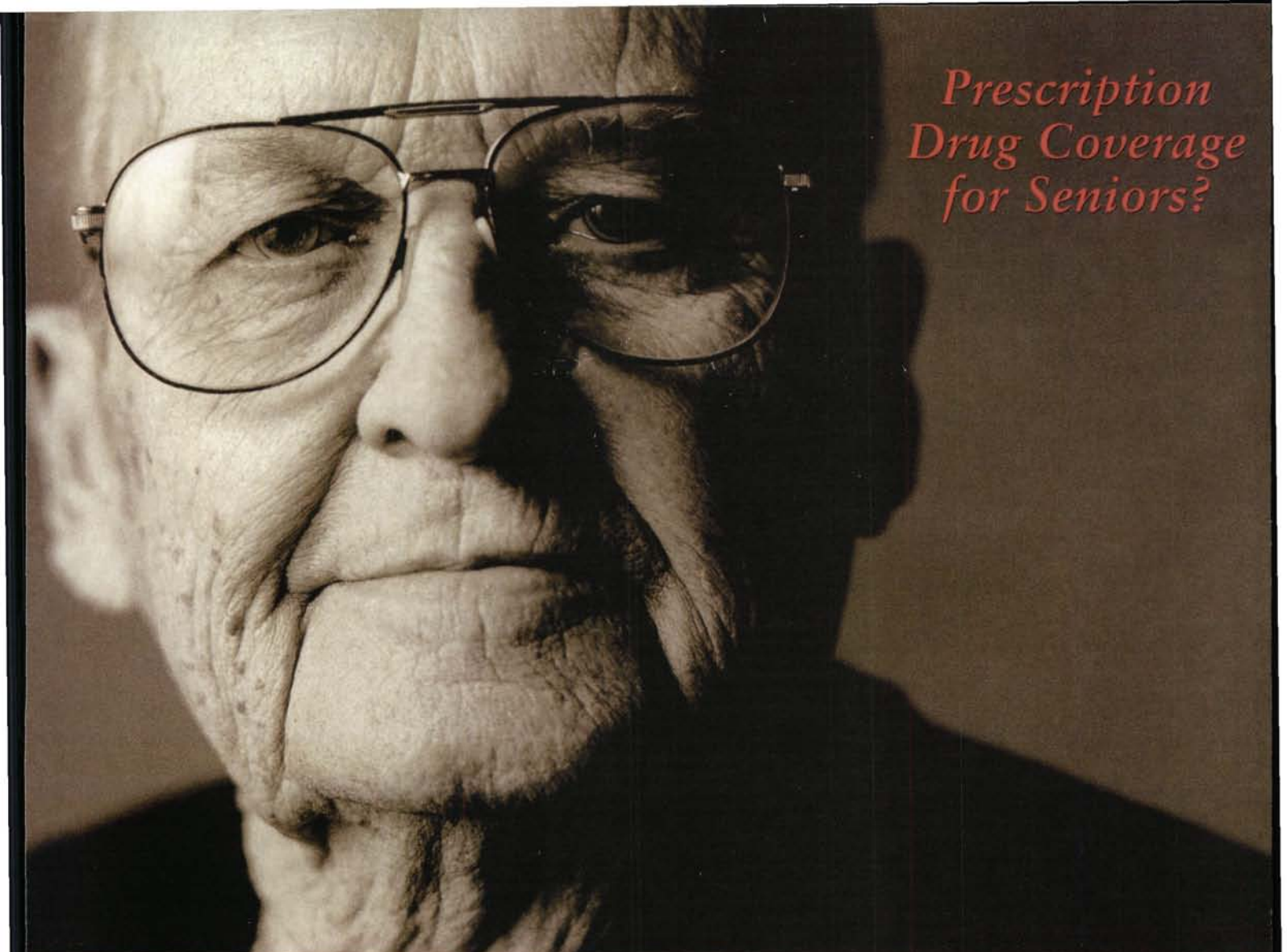
HOW TO TAME THE IMPERIAL JUDICIARY

by Ramesh P

#BXNCGY ***** 5-DIGIT 94301
#94301UZZ555BY003# 0403
88 NTRV 614 P0079
RON UNZ
555 BRYANT ST # 371
PALO ALTO CA 94301-1704

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

www.nationalreview.com



*Prescription
Drug Coverage
for Seniors?*

It Can Be Done...

It Should Be Done

*Prescription drug
coverage for seniors —
Now is the time!*

As Congress renews the debate over prescription drug coverage for American seniors, we reaffirm our

support for creating a meaningful coverage benefit.

What is the measure of a meaningful benefit?

It must provide choice ... fully assist the poorest seniors ... spur competition ... include access to all medicines ... foster, not frustrate, drug research ... and permit those seniors who already have drug coverage — to keep it.

Prescription drug coverage for seniors? It can be done ... It should be done!

PhRMA
Pharmaceutical Research and
Manufacturers of America
New Medicines. New Hope.
www.phrma.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NATIONAL REVIEW

JULY 29, 2002 VOL. LIV, No. 14

ARTICLES

- 18 Harken: Is That a Scandal They Hear?
by Byron York
A ridiculous rap against Bush.
- 20 School Choice, Not an Echo *by John J. Miller*
After the Supreme Court's decision, the future of the movement.
- 24 American Inferno *by Sean Paige*
Greens fiddle while forests burn.
- 25 Their *Kampf* *by David Pryce-Jones*
Hitler's book in Arab hands.
- 27 And a Thief, Too *by Rachel Ehrenfeld*
Yasser Arafat takes what he likes.
- 29 Slow on Sudan *by Eli J. Lake*
A bill stalls; has AIPAC reneged?
- 31 One Branch Among Three *by Ramesh Ponnuru*
The courts should not be so powerful—and they don't have to be.
- 33 Getting Smart *by Mark Riebling*
Three steps toward a more intelligent intelligence community.
- 35 Too Many *by Steven Camarota*
Looking today's immigration in the face.

Cover art by Roman Genn

WORLD WIDE WEB

www.nationalreview.com

BOOKS, ARTS & MANNERS

- Six-Day Odyssey—*John Podhoretz*, page 41
Six Days of War: June 1967 and the Making of the Modern Middle East, *by Michael B. Oren*
- They Admit It!—*Terry Teachout*, page 46
Radical Hollywood: The Untold Story Behind America's Favorite Movies, *by Paul Buhle and Dave Wagner*
- Masters of the Art—*James Panero*, page 47
The Traveler's Calendar: New Poems,
by Daniel Mark Epstein
Collected Poems: 1952–1999, *by Robert Mezey*
- Music: Big Deals—*Jay Nordlinger on the bass-baritone Thomas Quasthoff and the cellist Natalia Gutman*, page 49
- City Desk: Ward Healers—*Richard Brookhiser on New York doctors*, page 50

SECTIONS

- 2 Letters
4 For the Record
6 The Week
38 Help!
40 The Long View
48 Poetry
51 Shelf Life
54 On the Right
56 The Misanthrope's Corner

NATIONAL REVIEW (ISSN: 0028-0038) is published bi-weekly, except for the first issue in January, by NATIONAL REVIEW, Inc., at 215 Lexington Avenue, New York, N.Y. 10016. Periodicals postage paid at New York, N.Y., and additional mailing offices. ©National Review, Inc., 2002. Address all editorial mail, manuscripts, letters to the editor, etc., to Editorial Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016. Address all subscription mail orders, changes of address, undeliverable copies, etc., to Circulation Dept., NATIONAL REVIEW, P.O. Box 668, Mount Morris, Ill. 61054-0668; phone, 815-734-1232, Monday–Friday, 7:30 A.M. to 10:30 P.M. Eastern time. Adjustment requests should be accompanied by a current mailing label or facsimile. Direct classified advertising inquiries to: Classifieds Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016 or call 212-679-7330. POSTMASTER: Send address changes to Circulation Dept., NATIONAL REVIEW, P.O. Box 668, Mount Morris, Ill. 61054-0668. Printed in the U.S.A.

RATES: \$59.00 a year (25 issues). Add \$21.50 for Canada and other foreign subscriptions, per year. (All payments in U.S. currency.) The editors cannot be responsible for unsolicited manuscripts or artwork unless return postage or, better, a stamped self-addressed envelope is enclosed. Opinions expressed in signed articles do not necessarily represent the views of the editors.

NATIONAL REVIEW

July 29 issue; printed July 11

EDITOR
Richard Lowry

Senior Editors
Richard Brookhiser / Jeffrey Hart
Ramesh Ponnuru / David Pryce-Jones
Managing Editor Jay Nordlinger
Washington Editor Kate O'Beirne
Literary Editor Michael Potemra
Executive Editor Dorothy McCartney
National Political Reporter John J. Miller
White House Correspondent Byron York
Art Director Luba Kolomytseva
Production Editor Christopher McEvoy
Associate Editors
Emmy Chang / Julie Crane
Kathryn Jean Lopez / Sarah Maserati
Research Director John J. Virtes
Executive Secretary Frances Bronson
Assistant to Mr. Buckley Tony Savage
Assistant to the Editor Elizabeth A. Fitton
Editorial Associates
Aaron P. Bailey / Patricia B. Bozell
Melissa A. Seckora / Jane Buckley Smith
Editorial Assistant
George Vara
Contributing Editors
Robert H. Bork / Linda Bridges
John Derbyshire / W. H. von Dreele
Rod Dreher / Roman Genn
Jonah Goldberg / John Hillen
Florence King / Lawrence Kudlow
Mark R. Levin / Rob Long
Stephen Moore / John Simon

PRESIDENT
Thomas L. Rhodes

EDITORS-AT-LARGE
Wm. F. Buckley Jr. / John O'Sullivan

Contributors
Hadley Arkes / Baloo
Tom Bethell / James Bowman
David Brudnoy / Priscilla L. Buckley
Eliot A. Cohen / Brian Crozier
Dinesh D'Souza / M. Stanton Evans
Chester E. Finn Jr. / Neal B. Freeman
James Gardner / David Gelernter
George Gilder / Charles R. Kesler
John Kiley / James Jackson Kilpatrick
David Klinghoffer / Anthony Lejeune
D. Keith Mano / Richard John Neuhaus
Michael Novak / Alan Reynolds
Paul Craig Roberts / William A. Rusher
Tracy Lee Simmons / Terry Teachout
Taki Theodoracopulos / Ralph de Toledano
Vin Weber / Timothy J. Wheeler

Associate Publisher Jack Fowler St.
Assistant to the Publisher Kevin Longstreet
Assistant to the President Barbara Nowack
Chief Financial Officer James X. Kilbridge
Accounting Manager Galina Veygman
Treasurer Rose Flynn DeMaio
Business Services
Alex Batey / Victoria Manca
Irina Dynkevich
Circulation Director Theresa Maloney
Circulation Manager Jason Ng

WORLD WIDE WEB <http://www.nationalreview.com>
MAIN NUMBER 212-679-7330
SUBSCRIPTION INQUIRIES 815-734-1232
WASHINGTON OFFICE 202-543-9226
ADVERTISING SALES 212-679-7330
Executive Publisher Scott F. Budd
Advertising Manager Elizabeth Capano
Account Executive Aaron Cohen
Detroit Rep. Joseph J. Colucci 248-626-9918

PUBLISHER
Edward A. Capano

■ LETTERS ■

THE DIMWITS AND THE DOOMED

Theodore Dalrymple's article ("The People's Queen," July 1) uses the term "liberal intelligentsia" several times. That's not just an oxymoron, it's an insult to ordinary conservatives.

In her book *When Character Was King*, Peggy Noonan wrote that Ronald Reagan disliked "high-IQ dimwits." That is what the "liberal intelligentsia" are. Why don't you call them that?

William F. Miller
Corpus Christi, Tex.

I am surprised that Dr. Dalrymple would speak of the British monarchy's being "doomed" as an event contemplated and yet to be achieved.

A monarch who must—as Britain's must—sign into law her own death warrant if enacted and sent to her by the House of Commons, is already dead and only awaits a decent burial.

Kalman I. Nulman
New York, N.Y.

SPACE CADETS

John Miller's call to establish immediate U.S. "hegemonic control" of space ("Our 'Next Manifest Destiny,'" July 15) undermines his otherwise important message.

His proposed strategy for "police blockades" of all spaceports, where Washington would act as a global armed gatekeeper ("shooting down" any satellite payload that does not give notice of its mission), is a politically suicidal vision, cutting clean against the freedom-of-space vision that has energized this country since the dawn of the space age.

Even suggesting such a strategy gives arms-control advocates, and those in Congress who are already skeptical, grounds for further stalling of progress in critical military space activities.

Steven Lambakis
National Institute for Public Policy
Fairfax, Va.

COUNTING CALORIES

One would hope that your magazine would recognize that diet-related diseases do not strike only liberals. Plenty

of conservatives get sick and die from diabetes, hypertension, heart disease, and cancer. Yet ostriches like Jonah Goldberg ("The Anti-Big Mac Attack," July 15) wage childish attacks on those seeking to improve the health of all Americans, regardless of political stripe.

For the marketplace to work efficiently, consumers need to be informed. We've got that with packaged foods: In 1990, President George H. W. Bush signed the Nutrition Labeling and Education Act.

Now, considering that Americans get one-third of their food from outside the home, restaurants need to provide similar information.

Surely Mr. Goldberg would not want diners to choose foods only on the basis of marketing departments' adjectives when 600-calorie cups of coffee and 3,000-calorie appetizers are wreaking so much havoc in the obesity department.

Michael F. Jacobson, Executive Director
Ctr. for Science in the Public Interest
Washington, D.C.

To assist Mr. Goldberg (and other Americans) to meet the federal government's new guidelines for what constitutes a healthy weight, maybe we should try the following:

Create a special force known as the "Corpulent/Obese Patrol Staff" (COPS), and, using search warrants, make surprise raids on homes where rotund people have been seen entering and leaving. If found sprawled on a sofa, scarfing down pizza, chips, etc., they could be cited, convicted, and sentenced to serve a period of time at the nearest health-and-fitness club.

Daniel D. Jury
Mount Joy, Pa.

ACKNOWLEDGEMENT

A cartoon in the Help! section of our July 1 issue, dealing with Robert Mueller and the FBI, should have been credited. It was drawn by Steve Breen of the *San Diego Union-Tribune*, and distributed by the Copley News Service.

Quotesmith.com makes it fast and easy to find the lowest-priced insurance from the highest-rated companies

Instant Car Insurance Quotes

Could you save 20% or more on car insurance? We've made it quick and easy to get instant car insurance quotes from leading insurers, all in one place.

Quotesmith.com is an ideal car insurance resource for drivers of every age. At Quotesmith.com, we've even made it possible for you to point, click and buy online!



All in one place: instant quotes from leading companies make it easy to comparison shop.



Quotesmith.com Online!

File Edit InstantQuote Help



"We found the best deals at Quotesmith."
Money Magazine

"SmartMoney Interactive has rated Quotesmith the #1 site for online insurance quotes."
SmartMoney Online

"...make shopping for the cheapest insurance policy much easier."
Parents Magazine

"...the largest number of insurers..."
Jane Bryant Quinn



More instant insurance quotes than any place else on earth! Get instant quotes, view the latest ratings, examine vital policy coverages, view underwriting guidelines, buy from the company of your choice. Take control of your insurance decisions. Have questions? Want help? Call us toll-free at 1-800-556-9393, 7 a.m. to 7 p.m. Central time. California and Utah DBA Quotesmith.com Insurance Services. CA #0827712. #0A13856, UT #90093. Some companies are shown for purely informational purposes only. \$500 guarantee is subject to the terms and conditions detailed at www.quotesmith.com.



Popular with families: 10, 20 and 30 year term life insurance can give peace of mind.

Instant Term Life Insurance Quotes

Pick a rate guarantee and go! In seconds, you'll view policies, coverages, independent ratings, underwriting guidelines and premiums – all conveniently sorted by lowest cost.



Quotesmith.com makes it easy to compare health plans, features and prices.

Instant Medical Insurance Quotes

Here is the quickest way possible to find health insurance coverage for yourself, your family or your small business. Get instant quotes, scan the marketplace in seconds. You'll find standard plans, PPOs, HMOs, short term plans, dental plans and Medicare supplement plans all in one place at Quotesmith.com. Participation by leading companies eliminates the hassle of buying medical insurance.

Wow! Instant quotes from over 300 leading insurance companies right here and now

Fast Accurate Easy Unbiased Private

Instant Car Insurance Quotes

Instant Term Life Quotes
View America's lowest premiums - or you get \$500!

Instant Medical Insurance Quotes
• For individuals & families
• One employee or one family
• Groups of 2-100 employees

Instant Dental Insurance Quotes
Small Business/Families/Individuals

Instant Long-Term Care Quotes

Instant Annuity Quotes

Instant Medicare Supplement Quotes
Quick quotes for ages 65 & up

Quick-Issue Life Insurance Quotes
• No medical exams, speedy issue

Instant Boat, Watercraft, RV & Motorcycle Insurance Quotes

www.quotesmith.com

New! Quotes by phone 1-800-556-9393

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AD CODE:
NR 8/02

■ FOR THE RECORD ■

■ **Bush**, in Wisconsin: "Government can hand out money. We do a pretty good job of it. But what government cannot do is put hope in people's hearts or a sense of purpose in their lives. That's been the fallacy of the federal-government-only approach to helping people help themselves." . . . Bush, in Cleveland: "I know that in the midst of this war there is a lot of warlike talk, and I'm as guilty as—I'm guilty. I talk that way. But I want you to know, I love peace. I want the world to be at peace." . . . Bush, in West Virginia: "No authority of government can ever prevent an American from pledging allegiance to this one nation under God." . . . In Fox News poll, 90 percent of Republicans and 77 percent of Democrats oppose federal court ruling on Pledge of Allegiance. . . . Sen. **Robert Byrd** (D., W.Va.), only remaining member of Congress who voted to add "under God" to Pledge in 1954, in speech on Senate floor: "I wonder if that judge would hold the Declaration of Independence unconstitutional. I hope the Senate will waste no time in throwing this back in the face of this stupid judge. Stupid—that's what he is." . . . Clinton administration's acting solicitor general **Walter Dellinger** on Bush's solicitor general **Ted Olson**, in *Washington Post*: "Ted is the most influential legal officer in a long, long time."

■ In CNN/USA *Today* poll, 55 percent say U.S. should negotiate with Palestinian government only if someone other than **Yasser Arafat** is running it. . . . Alleged 20th hijacker **Zacarias Mousaoui**: "Terrorism is like beauty, it is in the eye of the beholder." . . . Federal government plans to vaccinate 500,000 emergency workers against smallpox, and officials say there will be enough doses to cover every American by end of year. . . . Combat jets patrol skies over New York City and Washington, D.C. during Fourth of July celebrations.

■ In Public Policy Institute of California poll, 52 percent disapprove of job performance of Gov. **Gray Davis** (D.), and only 39 percent approve. . . . In Minneapolis *Star-Tribune* poll, 66

percent say retirement of Gov. **Jesse Ventura** (I.) is good for state. . . . Polls in 8 Senate races—Arkansas, Colorado, Iowa, Minnesota, Missouri, New Hampshire, South Dakota, and Texas—have candidates within margin of error, reports *The Hotline*. . . . University of Houston poll shows former Dallas mayor **Ron Kirk** (D.) leading attorney general **John Cornyn** (R.) in contest to replace Sen. **Phil Gramm** (R., Tex.), 36 percent to 28 percent, with large share of voters still "undecided." . . . Primary elections in 2002 draw record-low turnout, according to **Curtis Gans** of Committee for the Study of the American Electorate. . . . Hudson Institute's **Marshall Wittmann** on congressional races, in *Philadelphia Inquirer*: "The only thing stopping the potential for a Democratic tsunami is the overlay of the war."



"They're so predictable—
why don't You try giving them free will?"

■ **Al Gore**: "Look at the Bush-Cheney budget plan, and tell me how is that different from the Enron profit-and-loss statement." . . . Gore convenes three-day retreat for donors and fundraisers. . . . Public Opinion Strategies polls Tennessee voters on 2004 Bush-Gore matchup: 58 percent prefer Bush, 33 percent prefer Gore. . . . GOP consultant **Charlie Black** on return of Gore, on CNN: "I'm so glad he's back."

■ **Ward Connerly's** Racial Privacy Initiative probably will appear on California's primary ballot in 2004. . . . Internet attacks against public and private targets increased 28 percent in first six months of 2002, says Internet secu-

rity firm Riptech. Most popular day of attack is Wednesday. . . . In study by Centers for Disease Control, 77 percent of HIV-positive gay men under age of 30 don't know they carry deadly infection. . . . San Fernando Valley contemplates seceding from Los Angeles. . . . State and local governments increased payrolls by 2 percent last year, despite economic slump, reports Census Bureau. . . . **Tom Schatz** of Citizens Against Government Waste condemns \$25 million National Historic Barn Preservation Act, sponsored by Sen. **Jim Jeffords** (I., Vt.): "Here we are at war, in an economic malaise, and facing deficits, and Sen. Jeffords wants millions of dollars to spruce up old barns. Could this politician be any more detached from the nation's priorities?" . . . Divorce capital of U.S. is Cape Canaveral, Fla., with 22 percent of population divorced and not remarried, reports Census Bureau. . . . National Marriage Project report by **Barbara Dafoe Whitehead** and **David Popenoe** on why men resist marriage: "Men are able to enjoy many of the benefits of marriage by living with a girlfriend without giving up their independence."

■ Chile's highest court ends criminal prosecution of **Augusto Pinochet**, calling the 86-year-old former leader mentally unfit to stand trial. . . . North and South Korean warships exchange gunfire in Yellow Sea, following North Korea's tenth incursion into South Korean waters this year. . . . Nation of Islam leader **Louis Farrakhan** makes "solidarity" visit to Iraq, tells Iraqi News Agency, "the Muslim-American people are praying to the almighty God to grant victory to Iraq." . . . New fresco in Romanian defense ministry's Orthodox chapel in Timisoara depicts **Osama bin Laden** carrying pitchfork and riding plane to Hell.

■ **David Letterman**: "Bill Clinton was busy over the weekend at a casino where he was playing saxophone. It's hard to believe, isn't it, that since this guy has left office he's actually become less classy." **NR**



Smart Investing and Catholic Values

NOW YOU CAN
HAVE BOTH



The Ave Maria Catholic Values Fund is an equity mutual fund designed specifically for morally responsible investors. The Fund's experienced investment managers select stocks based on sound investment fundamentals and pro-life Catholic values.

The goal is long-term capital appreciation.

Contact us today to learn more.

INVESTMENT PERFORMANCE FOR THE PERIOD ENDING 3/31/02	3 MONTHS	SINCE INCEPTION 5/1/01
Ave Maria Catholic Values Fund*	6.38%	12.00%
S&P 500 Index	0.28%	-8.23%

* A contingent deferred sales load of 1% is charged on redemptions of shares within one year of purchase. Assuming redemption of shares at the end of the periods indicated, investment performance would be 5.38% for 3 months and 11.00% since inception.

The investment performance above assumes reinvestment of dividends and capital gains distributions. Performance data reflects certain fee waivers and reimbursements. Without such waivers, performance would have been lower. The S&P 500 Index is a capitalization weighted unmanaged index of 500 widely traded stocks, created by Standard & Poor's. The index is considered to represent the performance of the stock market in general. Indexes do not incur fees and it is not possible to invest directly in an index.

Past performance is not a guarantee of future results. Investment return and principal value may fluctuate so that shares, when redeemed, may be worth more or less than their original cost. For more complete information about the Ave Maria Catholic Values Fund including charges and expenses and updated performance, please write or call Schwartz Fund Distributors, Inc. for a free prospectus. Please read the prospectus carefully before you invest or send money. Schwartz Fund Distributors, Inc., 3707 W. Maple Road, Bloomfield Hills, MI 48301.

FINANCIAL ADVISORS: Please call 1-248-644-8500 for Fund kit and more information

Call Toll Free
1-866-AVE-MARIA
(1-866-283-6274)

or visit
www.avemariafund.com

THE WEEK

■ **SEEN IN SANTA CRUZ, CALIF.:** Professional protesters driving to anti-logging demonstrations in cars bearing bumper stickers from causes past—such as, “Split wood, not atoms.”

■ Hesham Mohamed Ali Hadayet, the owner of a limousine service, killed two people at the El Al ticket counter at Los Angeles International Airport, before Israeli security guards killed him. “It appears he went there with the intention of killing people,” said the FBI’s spokesman in Los Angeles. Good call: Hadayet was carrying two handguns and a six-inch hunting knife. “Why he did that,” the spokesman continued, “we are still trying to determine.” The press got a jump on the Bureau, quoting one of Hadayet’s former employees as saying that he “had hate for Israel for sure. He told me that the Israelis tried to destroy the Egyptian nation and the Egyptian population by sending prostitutes with AIDS to Egypt” (the poisoned-well theory, with a modern twist). One of Hadayet’s neighbors also reported that another neighbor’s display of American and Marine Corps flags after Sept. 11 affronted him. Mr. Hadayet sounds like he would have been happier in a country with fewer Israelis, and fewer Jews, and his murders were an act of terrorism. Memo to FBI: You can’t make terrorism go away by pretending it doesn’t exist.

■ In a speech to an assembly of key potential backers, Al Gore declined to say for sure that he intends to stage a rematch against George W. Bush in 2004. He promised that if he does run, though, he will cast restraint to the winds. No more polls, tactics, and consultants, Gore declared: “If I had it to do all over again, I’d just let it rip.” Recalling certain moments from the 2000 campaign, we find the prospect of Al Gore off the leash somewhat alarming. Those jut-jawed invasions of Bush’s body space during debates, for example: Can we expect the ex-veep to go further next time, swinging a right hook, perhaps? Will those background sighs now escalate into actual heckling? Worse yet: Remember that swooping, face-sucking embrace of Tipper on the stage of the Democratic convention. What would the unrestrained version of *that* be like? The mind reels.

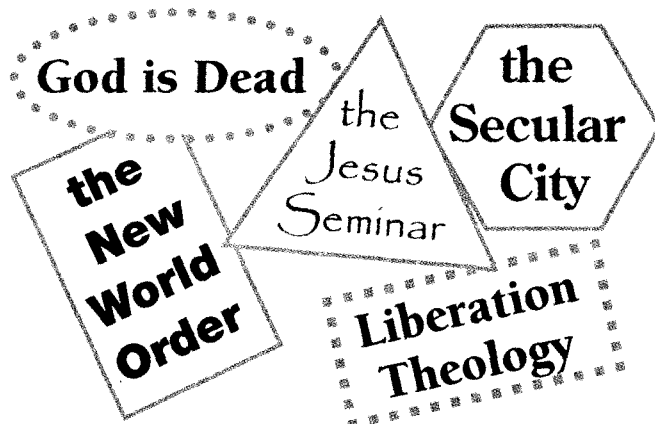
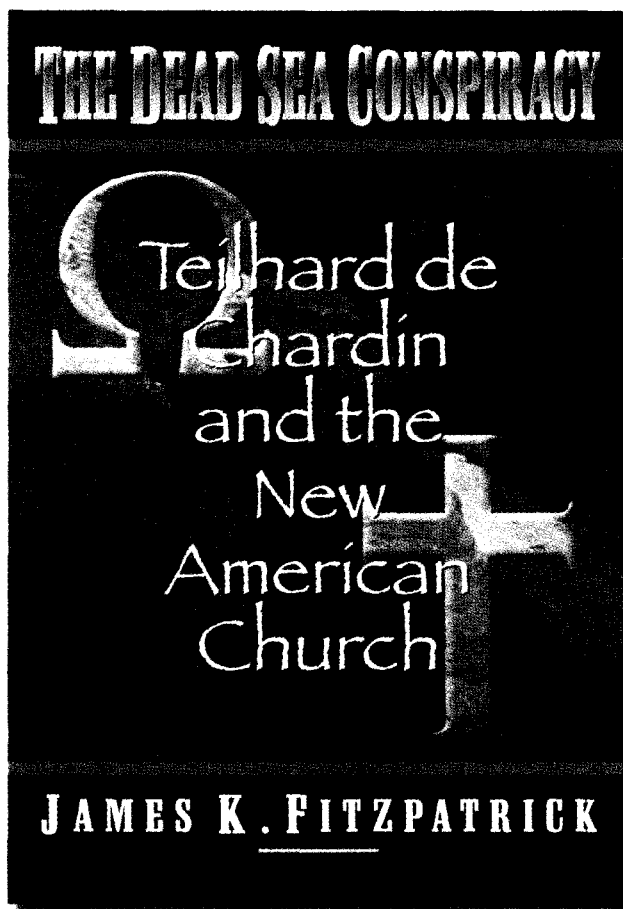
■ Rep. J. C. Watts announced that he would retire from the House after four terms, and editorials wept crocodile tears over the unrelieved whiteness that would afflict the Republican caucus. It would be too much to ask the Democratic party to forfeit elections when the GOP nominates black candidates. But if the matter is so essential to our civic good health, why don’t said editorialists endorse such candidates? Wouldn’t John Conyers’s district benefit from fresh black GOP blood, instead of the same old cooter? Wouldn’t it have been nice if Rep. Gary Franks—a black Republican from Connecticut—had been

able to withstand the Democrats, who were extra-keen on defeating him? Just a thought.

■ Maybe it was just force of habit. Or maybe it was the recent poll finding that 57 percent of California voters think their state is “on the wrong track”—a poll commissioned by Sacramento *Democrats*—that convinced Gov. Gray Davis to take the low road in fighting off Bill Simon’s challenge. Both the Democratic poll and a Simon campaign survey have the GOP challenger leading by about 9 points. In a new ad called “Bronze,” the Davis campaign touts his military decoration for Vietnam service he performed when Bill Simon was an undergraduate. In a companion comment that might aptly be titled “Brass,” Davis campaign adviser Garry South sneered that Simon’s “only known brush with military service is as a member of something called the Knights of Malta.” Given the thugish fundraising tactics that Davis and his operatives are famous for, no doubt a Catholic fraternal organization devoted to private charity looks like a bunch of naïve chumps to them. The auctioning of state favors for campaign cash has given Davis a huge war chest to use to slam Simon. But with 58 percent of California voters giving the incumbent failing grades on his job performance, even a well-funded low-road campaign might not lead back to Sacramento.

■ When Julian Bond, chairman of the NAACP, gave an address to the group’s annual convention, it was no surprise that he took liberal and partisan stands, and smeared everyone who disagreed with him, especially blacks (e.g., “Con-man Connerly”). Well, Bone-head Bond, his parents called him “Ward,” and so can you. Unusual even for Bond, though, was his attack on FBI counter-terrorism measures. “We thought we had put a stop to Hoover’s program of spies and lies in the 1970s after its abuses were exposed. Now, under the guise of fighting terrorism, the FBI is going back to spying on law-abiding citizens.” No, the FBI is trying to find the conspirators in our midst, even if, like John Walker Lindh, they are white. What will the NAACP feature next year—Rep. Cynthia McKinney on how the Man knew all about 9/11 beforehand?

■ The Ninth Circuit Court of Appeals ruled that the words “under God” in the Pledge of Allegiance violate the constitutional requirement of neutrality with respect to religion, provoking fulminations in Congress and a bleat of approval from Arthur Schlesinger Jr. Unhappily, in the long run the Schlesingers of the world, allied with the courts, tend to beat Congress. But like a cleaning woman who stuck a wedding dress in the washing machine, the secularists may have gone too far this time. The phrase “under God” was added to the Pledge by Congress in 1954, but it is hardly a Cold War aber-



What if they all spring from the same dark source?

From the deserts of Qumran to the dark townhouses of Manhattan's Upper East Side—a dangerous search for the final piece of evidence in history's ultimate question: "Who do you say that I am?"

~ A Novel ~

• ISBN: 1-57921-393-6 • \$12.95 suggested retail price • softcover • 264 pages

To Order, Call Toll Free: 1-877-421-READ (7323)

1 PAYMENT METHOD: (Please do not send cash)

☐ Check or Money Order made out to:
WinePress Publishing
☐ Visa ☐ MasterCard ☐ Discover
Name on Card: _____
Card Number: _____
Expire Date: _____ Signature: _____
Phone: _____ Fax: _____
Email Address: _____

2 SHIP TO:

Name: _____
Company: _____
Address: _____
City: _____
State: _____ Zip: _____

3 ITEMS ORDERED:

(Book Stores Call for Wholesale Discounts)

The Dead Sea Conspiracy

Price of this book: \$12.95

Quantity Ordered _____ for Total of \$ _____

Shipping & Handling \$4.95* \$ _____

Washington State Tax 8.4% \$ _____

Total Order \$ _____

*Add \$1.00 S&H for each additional book

4 PLACE YOUR ORDER:

Mail to:
WinePress Publishing
PO Box 428
Enumclaw, WA 98022
Phone: 1-877-421-READ (7323)
Fax: 1-360-802-9992



WINEPRESS PUBLISHING

ration. It echoes Abraham Lincoln ("that this nation, under God, shall have a new birth of freedom"). America's greatest statesmen have upheld the free exercise of religion, and rejected a religious establishment. But they have also derived our rights and our blessings from the Almighty, who is not to be confused with the Ninth Circuit. The judges will stay after school, and copy out the Gettysburg Address 50 times.

■ Poor accounting in the private sector is causing veins to pop all over Capitol Hill. But when it comes to accounting practices at federal agencies, lawmakers are rather more forgiving. Back in 1998, the General Accounting Office completed its first-ever (!) comprehensive audit of the federal government's balance sheets. Not only had over \$100 billion in transactions been improperly recorded, but millions of dollars' worth of equipment and property simply could not be found. The GAO's most recent report notes that many agencies completed their audits by "expending significant resources to use extensive ad hoc procedures and making billions of dollars in adjustments to derive financial statements months after the end of the fiscal year." As a result, the government's financial statements were "out of balance by more than \$250 billion." Nonetheless, only the 24 largest federal agencies, and a few others specified by Congress, are currently required to prepare annual audits. Legislation sponsored by Rep. Pat Toomey of Pennsylvania seeks to change that, requiring audits of any agency with a budget of \$25 million or more. Here's hoping that it passes—and that public officials will direct a portion of their ire over the sins of corporate America at the chicanery in their own backyard.

■ A study in Oregon, the one state that permits doctor-assisted suicide, finds that almost 90 percent of patients who ask for it change their minds and never go through with it. The research, published in the *Journal of the American Medical Association*, found that most terminally ill patients who request physician-assisted suicide are "actually afraid of pain or other issues and need to be reassured." Doctors who do not wish to assist in suicide have been sending such patients to more compliant doctors. If the anti-suicide doctors were instead to speak at length with their patients, they would find that many of them don't truly desire to kill themselves. Under current practices, about 100 people in Oregon have committed suicide with the help of doctors since 1997. Those patients no longer have the luxury of second thoughts.

■ Since 9/11, Americans have become aware of the fact that terrorists who make their way into the U.S. do not slip through the cracks of the immigration and law-enforcement bureaucracies, but rather are ushered down a red carpet by the very agencies we rely on to protect us. This was the case with Visa Express, the State Department program that allowed three of the September 11 hijackers to enter the U.S. on non-immigrant visas simply by visiting a private travel agency and submitting a short form and photograph (the other 16 hijackers also entered the country legally, through other avenues). An article by Joel Mowbray in these pages ("Catching the Visa

Express," July 1) exposed the program and the threat it posed. Now, after waves of criticism and congressional hearings, consular officials at the U.S. embassy in Riyadh have finally requested permission to shut down Visa Express. We also understand that the program's chief, Mary Ryan, is on her way out too. And just as we received news of the death of Visa Express, another visa scandal surfaced—this time at the U.S. embassy in Qatar, where up to 70 visas were sold illegally to Middle Eastern men, including two roommates of the September 11 hijackers. It is clear by now that the visa-issuance process is a mess, and one that the State Department cannot be depended on to remedy. Despite the uncertain prospects of the new Department of Homeland Security, visa-issuance powers should be transferred there, closer to law enforcement and further away from the courtesy culture of State's Consular Affairs.

■ Secretary of State Colin Powell recently met with Tom Sylvester, an American whose ex-wife snatched their daughter to Austria in 1995. As NR readers know (see "Without Their Daughters" by Kate O'Beirne, May 20), the State Department largely ignores such kidnappings of American children by European parents. Sylvester, indeed, told Powell that his ex-wife once said to him that the difference between them is that her country supports her. So, even though the Austrian government has a duty under the Hague Convention to reunite Sylvester with his daughter, he has seen her for only 27 days of the last seven years—and then only in supervised visits. Powell pledged his personal intervention in the case. That's a welcome step. But the problem is not confined to a few cases. It is the result of a State Department culture that values "good relations" with other countries above all else—and needs to be reminded that when countries trample on the rights of American citizens, our relations with them cannot rightly be called good.

■ The assassination of Afghan vice president Abdul Qadir was a reminder of what a difference one bullet—or, in this case, 30 or 40 bullets—can make. Circumstances surrounding the killing are, of course, murky (this being Afghan politics), but smart speculation is that it is part of the Northern Alliance's attempt to isolate President Hamid Karzai and consolidate control in Kabul. The Northern Alliance is predominantly Tajik, while Karzai is a Pashtun (as was the late Mr. Qadir). If the Northern Alliance succeeds in winning control of the government, it is likely that the Pashtuns, the biggest ethnic group in the country, will check out of the entire project. The government would then be dominated by Islamists, former Communists, and warlords. The U.S. shouldn't send troops to every corner of Afghanistan to police the streets, as some excitable Democrats are now suggesting. But it should redouble its efforts to help Karzai form a popular, liberalizing government. That means tilting away from the thugs and toward the pro-Western activists associated with the former king, and increasing the U.S. military presence in Kabul to counter the intimidating influence of Northern Alliance troops who have camped out there since the Taliban's fall. It may yet prove

The Case for Not Invading Iraq

David R. Henderson is a research fellow with the Hoover Institution and an economics professor at the Naval Postgraduate School in Monterey, California.

Paid for by the Hoover Institution, Stanford University.

Saddam Hussein is a madman, with weapons of mass destruction, and therefore we need to get rid of him." We have heard this from many Americans who want war with Iraq. But **there is little evidence that Hussein is mad, and his rational response to the dangerous incentives President Bush has set up should make us afraid.**

Consider the incentive that Bush Sr. set for Saddam Hussein. In 1991, just before the gulf war, the elder Bush made it clear that, if Hussein used chemical weapons against the U.S.-led coalition, Bush would consider "the strongest possible response" (his euphemism for nuclear weapons). It worked: Hussein refrained from using chemical weapons in the gulf war.

Consider the new incentives Hussein faces. Bush Jr. says he wants to get rid of Saddam Hussein. We're not talking about a move to Switzerland. Everyone understands that President Bush wants Saddam Hussein to die. One who understands that particularly well is Saddam Hussein. Hussein, therefore, also knows that Bush's staff is probably preparing, or will prepare, plans to kill him. What's Hussein's likely response? If he is as evil as George W. Bush thinks he is, then he wouldn't mind taking a million innocent Iraqis with him. In fact, he might actually prefer to die with a splash. Moreover, Hussein would probably prefer to take a few hundred thousand innocent Israelis or even Americans with him. If Hussein does have weapons of mass destruction, then he may be

working to set up weapons around the world, possibly in American cities, to be detonated when he is near the end.

To avoid the deaths of many innocent Iraqis, and possibly of innocent Americans and Israelis, President Bush has two choices. The high-risk choice is to go after Saddam Hussein soon. Notice that I said "go after Saddam Hussein," not "go after Iraq." In a choice between being the only target and being one of a million Iraqi targets, Hussein would much prefer the latter. For one thing, it would help him go out with a big splash; for another, the U.S. killing of many innocent Iraqis would help him achieve a legacy—the unification of the Arab and Muslim worlds against the United States. There's a second choice. That would be for Bush to communicate, in a credible way, that he no longer wishes to replace Saddam Hussein. The first option is difficult because Hussein is well protected and might still have time to unleash his terror. The second option is also difficult because everyone knows Bush's true wishes for Hussein's future. One way to accomplish the second, however, is to actively push for ending the United Nation's sanctions on Iraq; this would communicate clearly that Hussein is no longer a target.

You might argue that Hussein is not a real threat. But if that's the case, then why all the serious discussion over invading Iraq? Either Hussein is a threat or he is not. Either way, invading Iraq is a bad idea.

— David R. Henderson

Interested in more commentary on public policy?

Visit us on-line at www.hoover.org or contact us to receive a complimentary copy of the 200-page, award-winning Hoover Digest.

impossible to create a decent government in Afghanistan, but the attempt is worth considerable U.S. energy and attention.

■ The story of the Pakistani-Israeli duo at Wimbledon provides a lesson. Aisam ul-Haq, a Pakistani, and Amir Hadad, an Israeli, are doubles partners. If the Pakistani government has its way, they won't be. After the Pakistani appeared with the Israeli, the Pakistani Sports Board came down hard on him, issuing an "official condemnation," warning ul-Haq never to make this mistake again. Ul-Haq—obviously a brave and admirable man—remains defiant. Threats to his safety are real. The lesson? It has to do with a desire to coexist. The Israelis are pleased and relieved when, for example, a Muslim and a Jew can play tennis together. Their enemies react with horror and threats.

■ Since September 11, the world's intellectuals have been busily adding to the sum of human knavishness. The most recent outrage comes from England, where a professor at the University of Manchester has sacked two academics on the grounds that they are Israeli. Mona Baker (born in Egypt) removed the Israelis from the boards of two academic journals devoted to the study of translation and "cross-cultural communication." As a signatory of a British-led petition calling on academics to boycott Israel, Baker did not feel that she could continue employing Profs. Gideon Toury of Tel Aviv University and Miriam Schlesinger of Bar-Ilan University, though she said they could have kept their jobs had they left Israel for Britain and severed all ties to their homeland. As usual, the irony runs thick: Miriam Schlesinger is a former chairman of Amnesty International in Israel, is a vocal critic of her country, and throughout the past two years has been involved with a group that flouts Israeli military blockades to deliver supplies to Palestinian towns in the West Bank. Also as usual, not a peep of protest was heard from anywhere in Britain. It was up to Harvard professor (and renowned Shakespeare scholar) Stephen Greenblatt to condemn Baker's action as "grotesque" and "intellectually and morally bankrupt."

■ A marble statue of Lady Thatcher was attacked by Paul Kelleher, a 37-year-old artsy layabout, who managed to decapitate it with a metal pole after his cricket bat failed to do the trick. Kelleher told police he did it to save his two-year-old son from global capitalism. In its way, the deed is as much a tribute to Lady Thatcher as the statue: No one bothers to decapitate marble Ted Heaths (are there marble Ted Heaths?). Paul Kelleher was best described by a childhood neighbor: "As for beheading Mrs. Thatcher—well, in his younger days he would not even cut the lawn."

■ Those on whom America has showered her bounty most abundantly, may turn on her most sharply. Take the case of mega-millionairess tennis star Martina Navratilova, who left Communist Czechoslovakia in 1975 and became a U.S. citizen in 1981. Recently, she delivered herself of some scathing opinions about her adopted country. In a German magazine, she moaned, "I have exchanged one system that suppresses free

opinion for another." And she has identified the culprit: "The Republicans manipulate public opinion and sweep any controversial issues under the table. . . . Decisions in America are based solely on the question of 'how much money will come out of it?' and not on the questions of how much health, morals, or the environment will suffer." Miss Navratilova is of course free to renounce her citizenship of this awful country and distribute the vast wealth she has gained from it to the poor; but perhaps she would regard such a dramatic course of action as unhealthy, immoral, and counter-environmental.

■ We keep trying to plumb the depths of idiocy that characterize the world of avant-garde art, but we are coming to think that those depths may, perhaps, be un-plumbable. Consider the brief career of Italian artist Piero Manzoni, who died at the age of 29 from a liver condition brought on by hard drinking. Prior to his death, Manzoni decided to make—guess what?—"an ironic statement" about the art markets. He thereupon canned 90 samples of his own feces, labeled the cans appropriately ("*merda d'artista*"), and offered them for sale. If you think that no sane person would shell out good money for canned poop, you are simply not *au courant*. London's Tate Gallery recently acquired a can for £22,300. Since this is more than the item would fetch if its 30 grams of ordure were replaced by an equal weight of pure gold, this is very good money indeed. The Pompidou Museum of Paris and the Museum of Modern Art in New York have also bought cans of the late Signor Manzoni's doo-doo, we learn. Gallery-goers should maintain a prudent distance from the exhibit, though: Owing to defects in the canning process, 45 of the original 90 cans have exploded.

■ In the department of settling precedence between a flea and a louse, the Rev. Al Sharpton and Michael Jackson had an awkward moment. Sharpton's latest project is a campaign to intimidate the music industry, alleging that they shortchange black artists. Michael Jackson, who is as much the King of Pop as the Bourbons are the kings of France, appeared at Sharpton's headquarters to help the campaign along. But Jackson launched into a diatribe against Sony music head Tommy Mottola, who released Jackson's last album (it tanked, relative to MJ's previous sales). Black singers who are happy with their sales then phoned Sharpton to complain that Mottola is a straight-up guy, forcing the Rev. to back down. Morals: Everyone is conservative where he himself is concerned; everyone will help a crybaby, so long as it is not personally inconvenient.

■ Are TV journalists so liberal that they can't tell a liberal when they see one? The Media Research Center has found that, during a five-year period, reporters from evening news programs on ABC, NBC, and CBS applied the term "liberal" to groups and political leaders just once for every four times they used the term "conservative." During the entire 1999–2000 presidential election cycle, not once was Al Gore labeled a liberal, while Bush was called a conservative 19 times. "Conservative" is the designation of choice in all categories, accounting for 67 percent of ideological references to

"A Masterpiece of Historical Fiction ..."

—New York Daily News

A brainy thriller. Fast moving and based on historical events only all too real. The dialogue (always one of this author's strong points) is crisp and revelatory, and the dramatic momentum of the final hundred pages has a tumbling intensity. Literate, absorbing, and thought provoking. Buckley at his best.

—Kirkus Reviews

[Q]uintessential Buckley: provocative, fast moving, sharply focused on unwelcome moral questions, erudite even when it tries not to be. The final chapters crackle with twists and surprises, and the conclusion is compelling.

—The Baltimore Sun

Buckley knows what makes a novel tick.

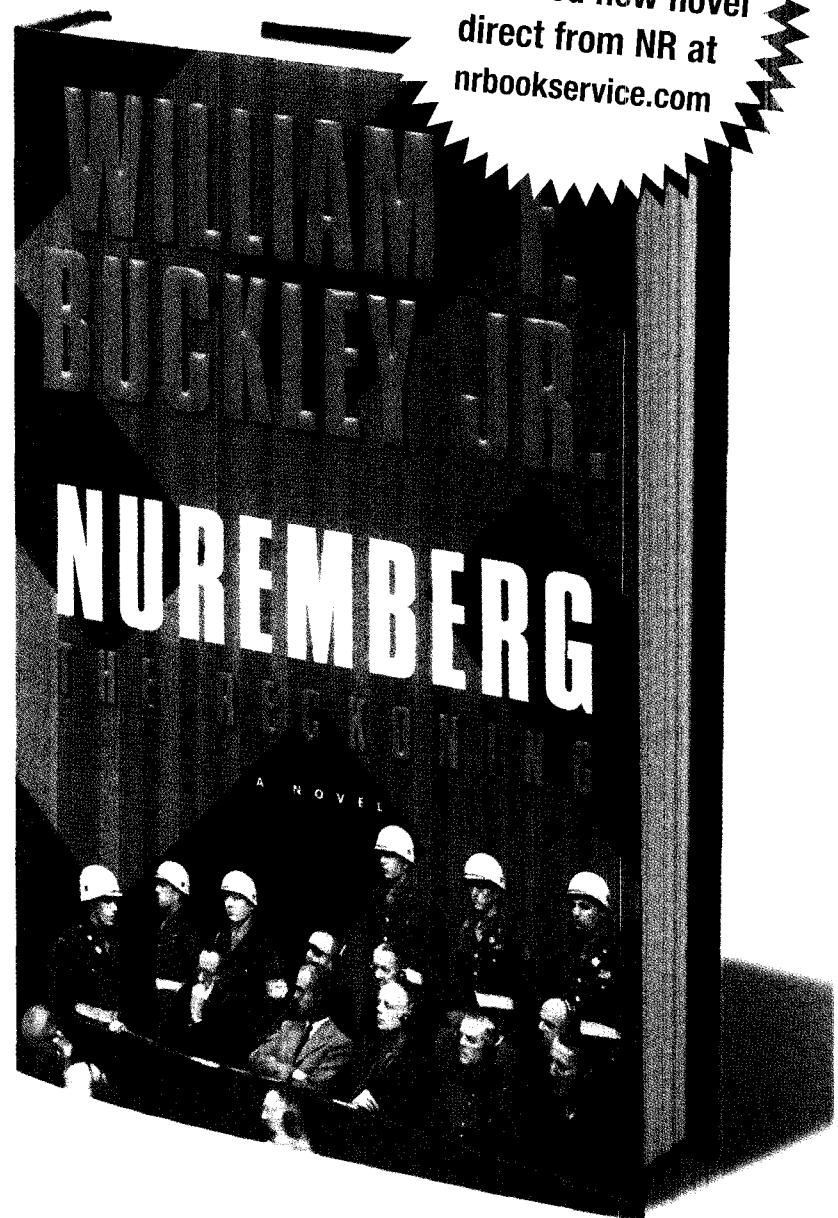
—The Denver Post

Within the flexible boundaries of a novel that has substance, style, and a firm grip on the plot, Buckley has fashioned a story of action against a real historical background. Before the powerful ending, every thread has been pulled remorselessly tight. Buckley's 14th novel is one of his best.

—Library Journal

Buckley displays his unmatched talent for fictionalizing key historical moments in this masterful account of the infamous trials.

—Booklist



Now order
Bill Buckley's
acclaimed new novel
direct from NR at
nrbookservice.com

NOW ON SALE IN BOOKSTORES

Supreme Court justices, 66 percent for senators, 87 percent for House members, and 96 percent for national candidates. The reporters like it so much, in fact, that they also applied it to Democratic congressmen Gary Condit, Allen Boyd, and Bart Stupak. Meanwhile, Joe Lieberman is a centrist or a moderate, John McCain is a staunch conservative, and Dick Cheney is an extreme-right-wing lunatic ("hard-line," to be polite). Who, again, appointed these guys the definers of the political center?

■ "Gay Sluts Are Back," says the headline in the San Francisco Bay *Guardian*. "[G]ay public sex is bigger and better than ever," says the *Village Voice*. We are in no position to challenge these judgments. But health professionals, and some gay men, note that, despite the development of anti-HIV drugs, AIDS continues its march (it marches a lot faster, of course, if elementary precautions are not taken). The Bruce Bawer/Andrew Sullivan thesis is that gay hyperpromiscuity is fostered by a transient subculture. But the evidence suggests that it is a pathological temptation all the stronger for those outside the normal course of nature. Whatever the reason, the effects of succumbing to it are not in doubt. Deep in the *Guardian's* giddy piece is this sober thought, from a gay artist: "I thought we'd learned something, but apparently we have to go through it all again. It's like watching the replay of a train wreck, in slow motion."

■ The *New York Observer* reports that Columbia University has opened its gates to the cast and crew of *Porn 'n' Chicken*, a teen-sex comedy based on the travails of Yale University's short-lived underground pornography club. That such schools have lost all sense of propriety is not surprising. What is surprising, in this era of higher sex education, is that Columbia will not allow the film's producers to shoot any skin scenes on campus. In order to film those scenes, the producers will have to march down Broadway to the gates of Union Theological Seminary, which has welcomed them with open arms.

■ The Oddsocks theater company, currently touring England with *The Hunchback of Notre Dame*, has retitled its production

SADDLE UP, MR. BUSH

*Lead that posse out and ride!
Mother's mouth was opened wide
When her Xerox hit the skids;
With WorldCom dead meat as bids
Fade for Martha's sick-o stock,
Lock 'em up before the shock
Stampedes dudes at Broad and Wall:
Once they see you riding tall
And the bloom is on the sage,
Ambush Krugman in that stage.*

—W. H. VON DREELE



The Bell Ringer of Notre Dame. "You must remember the original novel by Victor Hugo was called *Notre Dame de Paris*," producer Elli Mackenzie told the press. "There was no mention of a hunchback." True enough—the "hunchback" title became standard only after the eponymous films starring Lon Chaney (1923) and Charles Laughton (1939). If Ms. Mackenzie really expects to enlist Hugo to the cause of political correctness, however, we wish her luck. When the hunchback—er, bell ringer—first appears in the novel he is greeted by the populace with cries of "'Tis Quasimodo, the hunchback of Notre-Dame! Quasimodo, the one-eyed! Quasimodo, the bandy-legged!"

■ In the athletic firmament, Ted Williams leaves a gap which nothing can fill up. He was simply unique. His vision was so acute that he could see the seams on a baseball as it hurtled toward the plate. He was the ultimate perfectionist, a scientist of batting, and could discourse on it for hours. As has now been celebrated in all quarters, in 1941—the same year as Joe DiMaggio's 56-game streak—Williams hit .406. It was as if both men were energized by approaching war, in this last season of baseball for who knew how long. Williams's career-long achievements have led many to assert that he is the greatest hitter in history. That is open to question. What we can say with confidence is that Ted Williams has joined the small number of greatest-athletes-ever in their special Valhalla. R.I.P.

CORPORATIONS

The Regulators Gather

WATCHING the liberal mind go to work on the recent corporate scandals has been instructive. It turns out that accounting frauds and irregularities are a reason for new regulations when it comes to the private sector; for new subsidies, when it comes to Amtrak. Pension funds that deprive workers of choice, put all of their retirement assets in one basket, and withhold useful information from them are a monstrous crime in the private sector; but Social Security is a sacred trust. When the Bush administration helps companies, whether through action or inaction, it is typical Republican sympathy for fatcats; when they let companies go bankrupt, they are displaying typical Republican callousness toward workers and small investors. After years of neglect, liberals are suddenly interested in the new investor class—now that the goal of restoring its confidence in the markets is the hot justification for regulation.

The ideological malarkey that the corporate scandals have called forth from the dirigiste party in American life is at least sincere. The same cannot be said for the partisan opportunism to which they have also given rise. Al Gore says that Enron, WorldCom, and the rest show us what happens when Republicans are in charge rather than unnamed solons who would side with "the people, not the powerful." Tom Daschle says that anti-regulatory zeal, impliedly Republican, led to corporate malfeasance.

A little perspective, please. The corporate behavior now

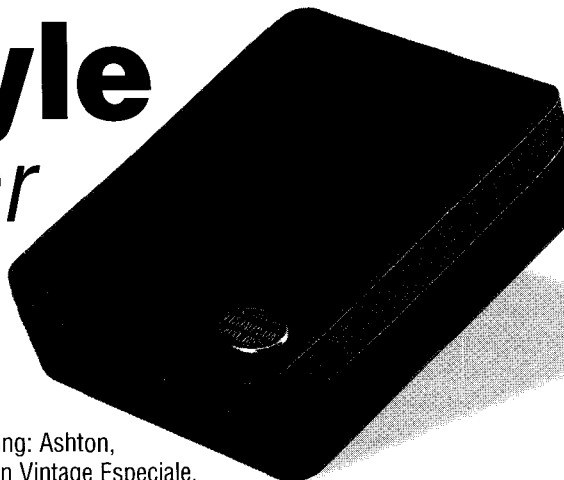
Travel In Style

FREE Travel Humidor

with purchase of these 8 Premium

Puros for ONLY **\$24⁹⁵**

(a \$75 value)



Order the Traveler's 8 Sampler and we'll send you one each of the following: Ashton, C.A.O., La Gloria Cubana, Macanudo, Padron, Partagas, Punch, and our own Vintage Especial.

These are the cigars you've heard about, the cigars the connoisseurs rave over, the cigars that have earned the industry magazines' highest accolades. To give you the rare opportunity to sample this awesome assortment of legendary cigars, we have put them in this introductory sampler. For the price you would expect to pay for just three of these beauties, we're offering eight! That's an astounding price for a collection of this caliber, but that's not all. In addition to the cigars, you will also receive a handsome traveling case that holds as many as twenty-five of your favorite puros. Now that's an offer not to be missed! *Only one order per customer please.*



Send me one Traveler's 8 sampler

One each of 8 top-notch brands for

\$24.95 + \$4.95 shipping

1-888-329-9855



**America's Oldest
Mail Order Cigar
Company, Est 1915**

P.O. Box 31274 • Tampa, FL 33631-3274

Fax: 813-882-4605

**Dept. T3692 - Product #962300
ONE ORDER PER CUSTOMER**

**OFFER EXPIRES 12/31/02 • NOT AVAILABLE
TO MINORS and GOOD ONLY IN THE USA**

Name _____

Address _____

Apt. # _____

City _____

State _____

Zip _____

Daytime

Phone # () _____

☐ \$29.90 Enclosed. (Florida residents add 6% sales tax + appropriate county tax).

Charge to my: ☐ VISA ☐ MasterCard ☐ AmExpress ☐ Discover

Printed name as it appears on credit card _____

Credit Card No. (print all digits) _____

Expiration date _____

**By responding to this offer and signing below,
I certify that I am a smoker, 21 years of age or older.**

Signed _____

Birth date (Mo/day/year) _____

(Your order will not be processed without signature and date of birth)

under the microscope occurred mainly during the later Clinton years. It is the subject of political controversy now only because first the market and then federal prosecutors began to uncover and to punish it during the Bush administration. Nobody has even suggested an alternative course of action that Bush or his men could have taken since January 2001 that would have mitigated the harm done by this behavior. Harvey Pitt, the head of the Securities and Exchange Commission, has been under heavy fire from Democrats and John McCain for his ties to the accounting industry. But these critics do not criticize any specific decisions he has made as SEC chairman. (His ties to the industry were well known in 2001, by the way, when the Senate voted to confirm him in a voice vote, reflecting the lack of opposition to him.) And opposition in the 1990s to regulation of the accounting industry—much of that opposition justified—was a bipartisan affair.

Some Republicans, in response to these potshots, have taken to saying that the scandals are a result of the lax ethical tone and spotty law enforcement of the Clinton administration. That, too, is a stretch. Lenders and investors get careless in the late phases of booms, especially booms as spectacular as the last one; some of them are bound to give money to the wrong people, get burned, and grow more cautious. Some law-breaking will always occur, under any legal regime.

The policy changes being discussed in Congress are more mischievous than useful. Some “reforms” would muck about with an American success story: the work-based pension programs that have enabled scores of millions of people to invest in the markets. People continue to appreciate the opportunity to invest: For all the talk about investors’ lack of “confidence,” the flow of funds into the markets remains positive. Another congressional target is stock options. Stock options were designed to increase executives’ incentive to get companies’ stock to appreciate. But in some cases, poor design led to bad incentives: CEOs could create momentary blips in their stock price and cash out—a clear abuse that companies should curb. A battle royal is being fought in Washington over just how stock options should be disclosed, which we will stay out of since the stakes seem rather small. But the proposal by Sens. Carl Levin and, yes, John McCain to raise taxes on options would be a real blow to start-up companies, which cannot afford to pay high salaries today and therefore must use options to promise rewards tomorrow.

Sen. Paul Sarbanes’s bill to regulate the accounting industry should also be defeated. It creates multiple, overlapping bureaucracies to combat fraud—the exact reverse of the organizational reform that everyone rightly agrees makes sense when it comes to homeland security. The new bureaucracies would have substantial power but little accountability. The bill also minutely regulates what accountants can do rather than letting an independent board make those decisions. It’s a bad idea to put such policies in law in the heat of the moment, because if they turn out to be counter-productive it can take a very long time to change them. As Sen. Phil Gramm points out in opposition to the bill, it took Congress more than six decades to undo the banking regulations Congress passed during the Depression even though they were clearly antiquated

by the 1970s. Other provisions of the bill seem designed to create opportunities for trial lawyers rather than protections for investors.

We do not deny that there are policy reforms that could improve corporate governance. Of these, the most important is to end the tax code’s deep bias against the payment of dividends—which are a signal to investors that there is something real to corporate earnings. Since 1993, the tax code has also skewed decisions about executive compensation: Salaries above \$1 million are not deductible, but stock options are. Both the federal government and many state governments have made hostile takeovers more difficult. Yet the prospect of a takeover is a powerful incentive for management to hew more closely to stockholders’ interests (to avoid wildly inflated executive salaries, for example). A loosening of restrictions on insider trading and short selling, finally, would make capital markets more efficient processors of information. Stock prices would be grounded more in information, both positive and negative, and less in hype.

None of these policies stands a prayer of being adopted. They would be easy for liberals to caricature if the Bush administration even proposed them. Bush is already defensive about the corporate scandals (more defensive than he would be, it’s worth noting, if he had mounted a serious assault on corporate welfare before now). His response to the political pressure has emphasized the need for tougher penalties for law-breaking: a reasonable focus, given that all of the corporate scandals in the news appear to have involved criminal activity. He would close loopholes so that executives would not be able to keep any proceeds from fraud, and would be unable to transfer money from their firms to themselves while under investigation. Executives found to have committed abuses would be barred from ever serving as officers or directors of publicly traded companies again. Bush also called on companies to provide shareholders with clear-English explanations of executive compensation packages, and to let them vote on stock options for execs. He would increase spending for the SEC.

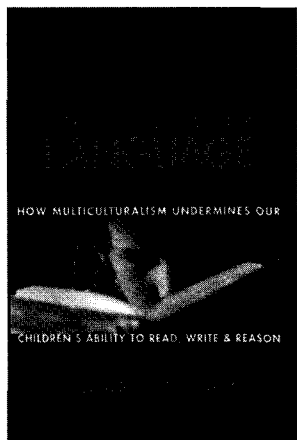
The details of Bush’s plan can be quibbled with, but it is superior to the congressional Democrats’ regulatory agenda and anti-corporate rhetoric. The real work of corporate reform, however, will take place elsewhere. Investor confidence will not return to its 1990s levels, nor should it, until investors and lenders—especially the largest players—make corporate America work better. Since their money is at stake, they have both the incentive and the ability to do so. Washington has neither.

EDUCATION

A Chance for Choice

THE Supreme Court’s 5–4 decision to allow Cleveland to run a school-voucher program including religious schools is a major victory. It is a victory, above all, for children trapped in lousy inner-city schools. The Court decision does not offer them a way out, but it means that the courts will not block the

ENCOUNTER NEW IDEAS



ISBN: 1-893554-48-1
Paperback, \$16.95, 288 pages

"Stotsky persuasively argues the inability to construct knowledge without exposure to content, and she demonstrates the near impossibility of good discussion of literature based solely on emotional response to it. Likely to stir hot debate."

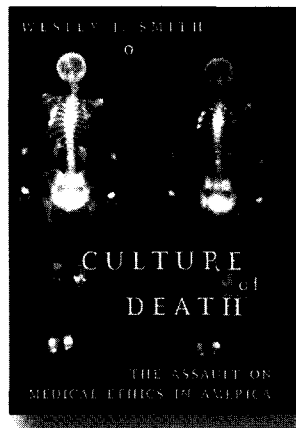
"Reading *Losing Our Language* should send parents rushing to their school board with pointed questions."

—WALL STREET JOURNAL

"Her book includes enough valid research to cause educators to consider multiculturalism in the classroom in a new light."

—LIBRARY JOURNAL

—BOOKLIST



ISBN: 1-893554-49-x
Paperback, \$16.95, 239 pages

"I highly recommend *Culture of Death: The Assault on Medical Ethics in America* by Wesley J. Smith. You will find it more hair-raising than any novel you'll ever read."

—DEAN KOONTZ

"Smith has no equal in bringing an indictment against what is transforming medical care. Read *Culture of Death*. Your life may depend on it."

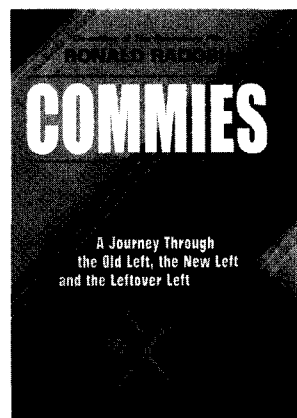
—NATIONAL REVIEW

"*Culture of Death* sternly chastises what it sees as an American medical system that allows doctors to withdraw care based on their evaluation of patients' likely quality of life."

—NEW YORK TIMES

INDEPENDENT PUBLISHER'S

★ "BEST HEALTH BOOK" 2001 ★



ISBN: 1-893554-52-x
Paperback, \$16.95, 205 pages

"Ronald Radosh has written a sweet-tempered, thoughtful, mordantly funny account of his reluctant and protracted farewell to the Left...Through his

baptism under fire, he became a conscientious historian and, in a post-moral politics, an uncommonly honest man."

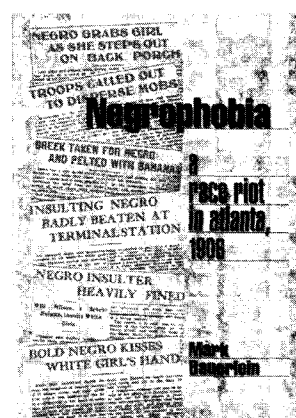
—WEEKLY STANDARD

"*Commies* is a painful, absorbing confession and a remarkable depiction of the 'red-diaper baby' syndrome."

—TOM WOLFE

"Radosh riles the remnants of the left far more than any conservative scholar."

—NEW YORK TIMES MAGAZINE



ISBN: 1-893554-54-6
Paperback, \$16.95, 300 pages

"*Negrophobia* is a much needed, double-barreled reminder: a vivid evocation of a shameful past that no American should forget, but also a sobering corrective to those who argue today that there has been no abatement of white prejudice."

—WALL STREET JOURNAL

"Mark Bauerlein has written a compelling narrative history."

—ATLANTA JOURNAL-CONSTITUTIONAL

"There is no question that Bauerlein has brought this event to life in a manner that will fascinate the general reader while enlightening the more serious student of history."

—CHOICE

"If you're seriously into history, then *Negrophobia* will make for some compelling reading that will stay with you for quite some time."

—BLACK MEN MAGAZINE



ENCOUNTER BOOKS
www.encounterbooks.com

AT BOOKSTORES EVERYWHERE OR CALL 800-786-3839

door if someone else opens it. It is also a victory for the Bush administration, which argued for the constitutionality of vouchers; for Milton Friedman, who proposed the idea four decades ago; for the Bradley Foundation and the Institute for Justice, which helped respectively to fund voucher plans and to defend them in court; for conservatives generally, who have kept the issue alive (sometimes just barely); for Tommy Thompson and George Voinovich, who fought for vouchers when they were the governors of Wisconsin and Ohio; and for a few black officials, like former Milwaukee school superintendent Howard Fuller, who have been willing to buck the liberal establishment.

Writing for the Court, Chief Justice William Rehnquist ruled that since the voucher program aids religious schools only as the indirect result of the "true private choice" of families, it does not constitute a governmental endorsement of religion. Court-watchers had worried that Sandra Day O'Connor might qualify the result by reserving the right to strike down some voucher programs; but her concurrence actually backed Rehnquist all the way. The four dissenters argued that it is impermissible for the government to pay for the "indoctrination" of young minds by religious schools, even indirectly, and even if it is not the purpose of the voucher program that students receive religious instruction. They also warned that the erosion of the wall between church and state would lead to religious strife, as it has in Northern Ireland and the Middle East. It is much less divisive, apparently, to force all parents to pay for secular public schools—and to trap many of their children in them—regardless of their preferences.

Sweet though this triumph is, the voucher movement has far to go. There are three voucher programs operating in the country today: those in Milwaukee, Cleveland, and Jeb Bush's Florida. Legal uncertainty has inhibited the expansion of vouchers to other locations. But it has not been the only, or even the chief, obstacle. The teachers' unions remain powerful and unflagging opponents of reform. Suburban parents are generally satisfied with—not to say complacent about—their children's schools, and easily made to fear any proposal that seems disruptive.

America's urban public schools are in most urgent need of reform and, in many cases, replacement. That is where our energies should be directed; and as a matter of political prudence, vouchers should be limited to the cities for now. There is plenty of work to be done there. Blaine amendments, spawned by 19th-century anti-Catholic bigotry, are still on the books in many states, keeping tax dollars away from parochial schools. Conservatives have far to go, as well, in creating effective political alliances with the inner-city parents who favor vouchers.

But competition would bring benefits to suburban schools too. Charter schools should be created where they are not present, and defended from regulatory attack where they are. (For that matter, we will have to be vigilant about the regulation of private schools participating in voucher programs, lest they lose the distinctions that made choice attractive in the first place.) The trend toward the consolidation of school districts—which reduces competition among districts and increases the educa-

tional bureaucracy—should be halted and then reversed. Schools should be encouraged to impose reasonable disciplinary policies, to instruct children in phonics, and to end automatic promotion to the next grade ("social promotion").

But private school choice is the key reform, because it imposes accountability on failing schools and provides opportunities for ones that succeed. Charter-school laws, by contrast, provide no mechanism for successful schools to expand to meet demand. A robust education market would make all the other reforms in pedagogical practice more likely. The Supreme Court has given us an unparalleled opportunity to improve the schools. President Bush should ask Congress to take it—by enacting school choice for Washington, D.C., a city that needs it as badly as any in America, now.

TREATY WATCH

Court of No Appeal

THE International Criminal Court opened its doors on July 1, over the strong and lonely objections of the United States. The strength of our objections, and their loneliness, deserve comment.

When they are not berating us for our contumacy, the members of the world bureaucratic class, such as Chris Patten, seek to assure America that the ICC will operate according to familiar judicial procedures, with abundant checks and safeguards. Their assurances do not persuade, however. The ICC is intended to adjudicate war crimes, crimes against humanity, and genocide. But many of these offenses will be defined as the ICC goes along (there is no definition of "aggression" yet). The ICC has been cheered on by the United Nations, but it will be substantially independent of it, and of any other oversight.

What limitations on the court there are, are unlikely to be effective. The U.N. Security Council can delay its actions by majority vote (in other words, no great-power veto). An ICC prosecutor must give the state of which the accused offender is a citizen six months to prosecute him, and then persuade three ICC judges to authorize him to proceed further. But if the court is intent on making a case, six months is mere delay, not a barrier. The judges to be persuaded are picked by the signatory nations, many of whom are European nations, recognizably like us (news accounts always cite Britain, France, and Germany). But they also include Third World dictatorships and basketcases. Besides, mere citizenship in an advanced country does not confer trustworthiness; suppose the Brit were a self-important functionary like Patten? M. Cherif Bassiouni, a professor at DePaul who helped write the ICC's statutes, said they incorporate "all of the due process guarantees available in the U.S. legal system, and even go beyond that." But he added that the ICC does lack trial by jury. Oops.

So what we have is a nominally transnational agency, in fact heavily backed by certain nations (Europe, with Third World allies). Since its laws arise neither from the will of the

people, nor from the deposit of tradition, they come from nowhere; since there is no appeal, they can go anywhere. Who would sign on to such a set-up?

The anti-ICC case Washington is making, however, is as small-bore as it is stubborn. We don't want American soldiers or diplomats on peacekeeping missions to fall afoul of ICC prosecutions, so we threatened to veto the U.N. peacekeeping mission in Bosnia until we got an exemption for ourselves. Our argument is that, if we take the main role in policing the world, we want immunity from spiteful second-guessing. But we look like the hired help demanding a sweetheart contract.

The Bush administration's case, to do-gooders at home

and abroad, must be more comprehensive. Historically rights have thrived in nation-states, or been imposed by great nation-states on others. (Britain ended the slave trade in the late 19th century by leaning on Brazil, Portugal, and Zanzibar.) Treaties, which manage the relations among sovereign states, recognize this reality. Transnational bodies, on the other hand, are either impotent or mischievous.

The American tradition of foreign-policy realism is a rich one, embracing figures as diverse as Old Hickory and John Quincy Adams. At its best it was founded on principles of morality. We would do ourselves and the world a favor by drawing on it.

■ NOTES & ASIDES ■

■ Dear Mr. Buckley: Many years ago I saw you on television. I do not remember the program. There was another man with you who asked you the definition of *conservatism*. Although I wrote your answer down, it has long since been lost. I remember only the beginning of your answer. It went something like this: Conservatism is "the paradigm of essences . . ."

Do you remember the rest of the definition? I need, as they say, closure.

Sincerely,
Robert Boris
Buffalo, N.Y.

Dear Mr. Boris: The quote is from Richard Weaver: Conservatism is "the paradigm of essences towards which the phenomenology of the world is in continuing approximation."

Cordially, WFB

■ Dear Mr. Buckley: Here's a question that I hope you might consider for Notes & Asides: Is there somewhere a book, an article, or even an encyclopedia entry that classifies, names, and gives examples of various types of logical mistakes, for example, your old favorite, *petitio principii*?

A column in the current issue of the national Episcopal Church newspaper implies that since this denomination "blesses everything from boats to hounds for the hunt," it should also bless divorce.

Obviously there's something wrong with that, and I wonder if there is a name for this sort of bad argument, and what is the most illuminating general characterization of it.

Thanks for any suggestions you might have.

Yours sincerely,
Dale E. Elliott
Lovington, Ill.

Dear Mr. Elliott: *Modern English: A Glossary of Literature and Language* was written by Arnold Lazarus, Andrew MacLeish, and H. Wendell Smith, and published by Grosset & Dunlap in—1972. That was pre-Watergate. It has a useful listing under "Fallacies," and descriptions of many of them.

Cordially, WFB

■ Dear Mr. Buckley: You recently wrote, "Terry McAuliffe, the Democratic chairman . . ." Usage is probably 90 percent of the law of grammar, and greater men than I, such as you, do use "Democratic" as the adjectival form of "Democrat"; nonetheless, I disagree with this usage.

We say "Republican chairman," and I would argue that it's best also to say "Democrat chairman," not "Democratic chairman," which is an unfortunate homophone for "democratic chairman," which couldn't be a more inaccurate description of Terry McAuliffe.

One might counter my point of view

this way: The word "republican" has always been both a noun and an adjective: *Though Claudius's reign was at odds with republican Rome, he was a republican at heart*. The adjective for the noun "democrat," however, has always been "democratic": *Pericles was the leading democrat of democratic Athens*.

Returning to our own times, I would counter this by pointing out that "Democrat" and "democrat" are two different words. A proper noun is not the same thing as the lower-case root word from which it was originally coined, and the morphology of the latter does not dictate that of the former.

The use of "Democratic" sounds like adjectival hypercorrection, the same sort of mistake made by the adverb nazis who would say, "Walking tall-ly" rather than "walking tall," and believe Clark Gable should have said, "I am being frank when I say I don't give a damn." This is not much different from putting an "H" in front of words that start with vowels, a Cockney overreaction when in polite society.

Yours,
Clint Burks
New York, N.Y.

Dear Mr. Burks: But it—Democrat chairman—remains offensive to the ear, and I don't know what we can do about that, except write witty letters on the subject.

Cordially,

—WFB

Harken: Is That a Scandal They Hear?

A ridiculous rap against Bush

BYRON YORK

ON July 8, a couple of hours after President Bush held a news conference dominated by questions concerning his 1990 sale of stock in Harken Energy, Democratic National Committee chairman Terry McAuliffe was blasting out e-mails to reporters and activists around Washington. "Every day, more questions arise," said McAuliffe, who called on Bush to release Securities and Exchange Commission files on the sale.

The DNC e-mail was just one of dozens the party has sent out lately, trying to tie Bush to the issue of "corporate greed." Democrats have suggested that Bush engaged in insider trading when he sold the Harken stock, that he engaged in a cover-up by failing to report the transaction to the SEC until long after the deadline had passed, and that he is still covering up by refusing to release documents related to the sale. In short, they have suggested that Harken—the firm that bought Bush's struggling oil company in the 1980s and placed Bush on its board of directors—was a smaller, earlier version of Enron, with Bush in the middle of it all.

The issue caught hold on July 2, when the *New York Times's* Paul Krugman devoted a column to it, all but accusing Bush of insider trading and suggesting that—because Bush's father was president—the SEC chose not to file charges even though "an internal SEC memorandum concluded that he had broken the law."

Soon other papers, as well as Democrats on Capitol Hill, were repeating Krugman's charges. White House spokesman Ari Fleischer tried unsuccessfully to put out the fire, and then Bush himself went to the briefing room



By Ismael Roldan

to answer questions. "This is recycled stuff," the president said. He pointed out that Democrats had raised the Harken issue against him when he first ran for governor of Texas in 1994, again when he ran for re-election in 1998, and then again when he ran for president in 2000. "This has been fully vetted. . . . This was fully looked into by the SEC, and there's no there there."

But Bush's appearance did little to settle things; if anything, it brought more attention to the issue. Still, it seems unlikely that the Harken issue has much staying power. If Bush's questioners had taken the time to examine the publicly available record, they would have seen that the charges have simply never amounted to much. Indeed, a close examination of Bush's Harken dealings suggests that there truly is no there there.

In the 1980s, Bush ran an energy company called Spectrum 7. By 1986, with the oil market in a deep slump, the firm was in serious financial trouble. That

year, another company, Harken Energy, which specialized in buying distressed oil properties, purchased Spectrum 7. Harken's management gave Bush a seat on the board, a chunk of stock worth at least \$500,000 at the time, and a consulting contract.

It was not a full-time job, and in 1987 and 1988 Bush devoted much of his energy to his father's presidential campaign. The next year, Bush got involved with a group of investors who were trying to buy the Texas Rangers baseball team. When the sale went through in March 1989, Bush borrowed \$600,000 to purchase his stake in the team. At that time, his biggest single asset was his Harken stock, and he decided to sell the stock to pay off the baseball loan.

On June 22, 1990, Bush sold 212,140 shares of Harken at \$4 a share, for a total sale of \$848,560. Nearly two months later, on August 20, Harken announced a larger-than-expected loss for the quarter that ended on June 30, and in the months that followed, the stock price drifted downward, hitting \$1.25 per share by the end of 1990. When Bush's sale became public the next year, Democrats charged that he had used inside information—he also served on the Harken board's audit committee—to sell the stock while he could still make a lot of money.

Bush denied any wrongdoing, but the allegations led to an SEC investigation. Commission experts looked into three questions: One, did Bush know in advance that Harken was going to post an abnormally large loss in August 1990? Two, did Bush sell the stock with the intent of getting out while the getting was good? And three, did Harken's loss announcement lead to a stock downturn that hurt ordinary investors who had no inside knowledge of the company's workings?

According to several internal SEC memos written in 1991 and 1992 and later made public, investigators examined thousands of pages of documents, interviewed several witnesses, and met with lawyers for Bush and the company (Bush waived the attorney-client privilege to allow the SEC to interview the lawyers). On the first question, whether Bush knew in advance about the losses, the SEC investigators found that "the evidence establishes that Bush was not

How to Listen to and Understand Great Music

AT LAST...48 brilliant recorded lectures that let you comprehend and enjoy great music more fully than ever before!



Arnold Schönberg



Claude Debussy



Giuseppe Verdi



Wolfgang Amadeus Mozart



Johann Sebastian Bach
Planet Art.



Ludwig van Beethoven



Richard Wagner
Prints and Photographs Division, Library of Congress.



Hector Berlioz

Have you ever listened to a favorite piece of music and wanted to know more about it? Have you wondered what it would be like to truly *hear* music in the way the composer intended? Have you ever felt confused by musical forms, wondering what exactly distinguishes a symphony from a concerto, a minuet from a rondo?

Then you owe it to yourself to try **How to Listen to and Understand Great Music**, a 48-lecture course taught by Professor Robert Greenberg of the San Francisco Conservatory.

His engaging, and informative lectures will soon have you hearing and enjoying music not just with your ears, but with your *mind*!

A Very Special Offer

And now, for a limited time only, you can get all 48 lectures for a special price of just \$94.95 on audio tape, \$139.95 on video-tape, or \$129.95 on compact disc, a savings of up to \$410 off list!

This offer is being made to introduce you to The Teaching Company, the renowned educational enterprise which records America's best college teachers for its Great Courses series.

You can learn at home, on the highway, or even while you exercise, revisiting the subjects you loved best at school or taking on new ones.

With Dr. Greenberg's help, you'll come to understand the social, political, religious, and aesthetic dynamics that made up the world of Europe's great composers, and what those composers had to say about it—much as literature students study Shakespeare's England to more fully understand his works. In effect, then, the music itself becomes a “universal, non-verbal language” opening a unique window on the world in which the composer actually lived.

Dr. Greenberg presupposes no special knowledge, and provides a solid introduction to basic musical terms and elements.

He demonstrates each musical point either with his own piano rendition or with digitally recorded excerpts. Also, he conveys his vast knowledge not only with puckish wit and contagious passion, but in *plain English*.

Come walk with the giants of music history. Come hear and understand great music with a depth of understanding and

enjoyment you never thought possible before and do it all with no risk—Your *complete satisfaction* is guaranteed.

A vast canvas of 10 centuries of Western concert music...illuminated in 48 witty, engaging lectures

Part I: The Ancient World Through the Early Baroque (Lectures 1-8)

Part II: The High Baroque (Lectures 9-16)

Part III: The Classical Era I (Lectures 17-24)

Part IV: The Classical Era II & the Age of Revolution—Beethoven (Lectures 25-32)

Part V: Nineteenth-Century Romanticism (Lectures 33-40)

Part VI: From Romanticism to Modernism—1848 to 1913 (Lectures 41-48)

“Bob Greenberg's presentations on music are brilliant performances. The content, delivery and style combine the highest scholarship with ingenious metaphors and perfectly timed, and often irreverent, humor that results in an illuminating and thoroughly enjoyable experience for everyone from the expert.”

—RUTH FELT, FOUNDER AND DIRECTOR, SAN FRANCISCO PERFORMANCES

**SAVE UP TO \$410!
OFFER GOOD UNTIL AUG. 10, 2002**

NO-RISK MONEY-BACK GUARANTEE!

About Your Professor:

ROBERT GREENBERG (Ph.D., UC-Berkeley, 1984) chairs the Department of Music History and Literature at the San Francisco Conservatory of Music. A popular lecturer whose work has been reported in the *Wall Street Journal* and other media outlets, he is the creator of the San Francisco Symphony's “Discovery Series.” He speaks frequently to both lay and academic audiences across North America and Europe, and is an award-winning composer with more than 40 works to his credit.

Shop securely on-line at:
www.teach12.com

To order, mail coupon below or call our toll-free number: (Please refer to **Priority Code 13170**)

1-800-TEACH-12 (1-800-832-2412) Fax: 703-378-3819



The Teaching Company

4151 Lafayette Center Drive, Suite 100
Chantilly, VA 20151-1232
www.teach12.com

Priority Code 13170

Please send me the six-part **How to Listen to and Understand Great Music**, which consists of 48 forty-five minute lectures, with complete lecture outlines.

☐ **Audio \$94.95** (reg. price \$349.95) **SAVE \$255!** plus \$20 shipping, handling, and guarantee.

☐ **Video \$139.95** (reg. price \$549.95) **SAVE \$410!** plus \$20 shipping, handling, and guarantee.

☐ **CD \$129.95** (reg. price \$499.95) **SAVE \$370!** plus \$20 shipping, handling, and guarantee.

☐ **Check or Money Order enclosed**

*Additional international shipping charges may apply
**Virginia residents please add 4.5% sales tax.

☐ **Charge my:** (please check desired format)

☐ ☐ ☐ ☐

ACCOUNT NUMBER

SIGNATURE

EXP. DATE

NAME (PLEASE PRINT)

MAILING ADDRESS

CITY/STATE/ZIP

PHONE (If we have questions regarding your order)

☐ **FREE CATALOG.** Please send me a free copy of your current catalog (no purchase necessary).

Offer Good Through: **August 10, 2002**

aware of the majority of the items that comprised the loss Harken announced on August 20." Most of that loss, according to the SEC, resulted from write-downs and expenses that occurred *after* Bush sold his stock. In addition, the investigators found that Bush, who played a "relatively limited role in Harken management," had gotten information from top officials that the losses for the quarter in question were likely to be nothing out of the ordinary—and nothing like what was ultimately reported.

■
**Terry McAuliffe and company
are pushing hard to make
Harken a campaign issue.
They've got a big job ahead.**
■

On the second question, of whether Bush sold the stock deliberately to avoid losing money before bad news was made public, the SEC found that Bush made the sale after being contacted by a stockbroker who had an institutional client who wanted to buy a large block of Harken stock. When Bush decided to sell, he checked with Harken's in-house counsel, as well as the company's chairman, plus another director, and, finally, the company's outside counsel, to see whether there were any reasons he could not sell. None raised any objections. "In light of the facts uncovered, it would be difficult to establish that, even assuming Bush possessed material nonpublic information, he acted with scienter or intent to defraud," the SEC concluded.

Finally, on the question of whether the news of Harken's bigger-than-expected loss hurt the company's investors, the investigators concluded that the loss announcement did not play a critical role in determining Harken's stock price, since the price, after falling slightly on the day of the announcement, rebounded to its previous level the very next day. If the news had been a bombshell, the stock would most likely have fallen immediately and stayed down. And even though the stock moved slowly downward for the rest of the year, it recovered its value—and more—in 1991, when it hit \$8 a share.

In addition, SEC investigators knew that Bush had informed the commission of his plan to sell the stock. On the day of the sale, Bush filed something called a Form 144, a "Notice of Proposed Sale of Securities," which gave the SEC advance word of an insider stock sale. Within a few weeks after the sale, Bush was also required to file another document, a Form 4, telling the SEC that the sale had been completed. Even though he had apparently done everything by the book up until that point, Bush did not file the Form 4 until March 1991, nearly 34 weeks late.

It is that act—the late filing—that has attracted the most attention recently. Bush's advisers once suggested that he filled out the form and believed it might have been lost; in early July, Ari Fleischer attributed the late filing to "a mix-up with the attorneys." Then, at his news conference, the president admitted, "I still haven't figured it out completely."

Whatever the reason, the fact that the report was filed late does not seem particularly damning in the absence of any underlying wrongdoing that a late filing might have been intended to conceal. In addition, it appears that at the time Bush sent his form to the SEC, late filing was not seen as a very serious offense. "If it had come to the SEC's attention back then, somebody would have said, 'Get the bloody form filed,' and that would have been it," says Edward Fleischman, who was an SEC commissioner between 1986 and 1992. "There was precious little attention paid to a timely or tardy filing of Form 4." Furthermore, Fleischman says, Form 144, which Bush filed on time, was more important, because it informed investors of an insider's intent to sell stock; the Form 4 was an after-the-fact notice of sale.

Still, Terry McAuliffe and company are pushing hard to make the late filing—and Harken in general—a campaign issue. They've got a big job ahead of them. In the years that have passed since 1990, no one—not the SEC, nor Bush's political opponents in Texas, nor Al Gore, nor Democrats on the Hill, nor the *New York Times* and the *Washington Post*—has been able to come up with evidence that Bush did anything wrong in the Harken matter. But that doesn't mean they'll stop trying. **NR**

■ PUBLIC POLICY ■

School Choice, Not an Echo

After the Supreme Court's
decision, the future of the
movement

JOHN J. MILLER

FOR more than a dozen years, Clint Bolick of the Institute for Justice had dreamed of the day the Supreme Court would hand down a blockbuster verdict on school choice. He'd been litigating the issue for that long, and on the morning of June 27, when the Court was scheduled to rule in *Zelman v. Simmons-Harris*, Bolick found himself in the shower trying to memorize a short speech—acknowledging defeat.

"I just wanted to be prepared," he says. As it turned out, Bolick didn't need the concession speech: In a 5–4 decision, the Court delivered a broad ruling, written by Chief Justice William Rehnquist, saying that school choice is constitutional.

Within a few days, President Bush was pronouncing *Zelman* "a great victory" and calling it "just as historic" as the *Brown v. Board of Education* ruling, which ordered an end to school segregation in 1954. "The Court," remarked Bush, "declared that our nation will not accept one education system for those who can afford to send their children to a school of their choice and [another] for those who can't."

Actually, the Supreme Court said no such thing. *Zelman* does not present a mandate; it merely permits school choice to exist as an option. In another sense, it's a stay of execution. It was the opponents of school choice who brought the case—against a program that gives vouchers to about 4,500 poor kids in Cleveland—but the stakes weren't as high for them as they were for school-choice supporters. *Zelman* surely invigorates the movement, but at bottom it simply lets the debate go on.

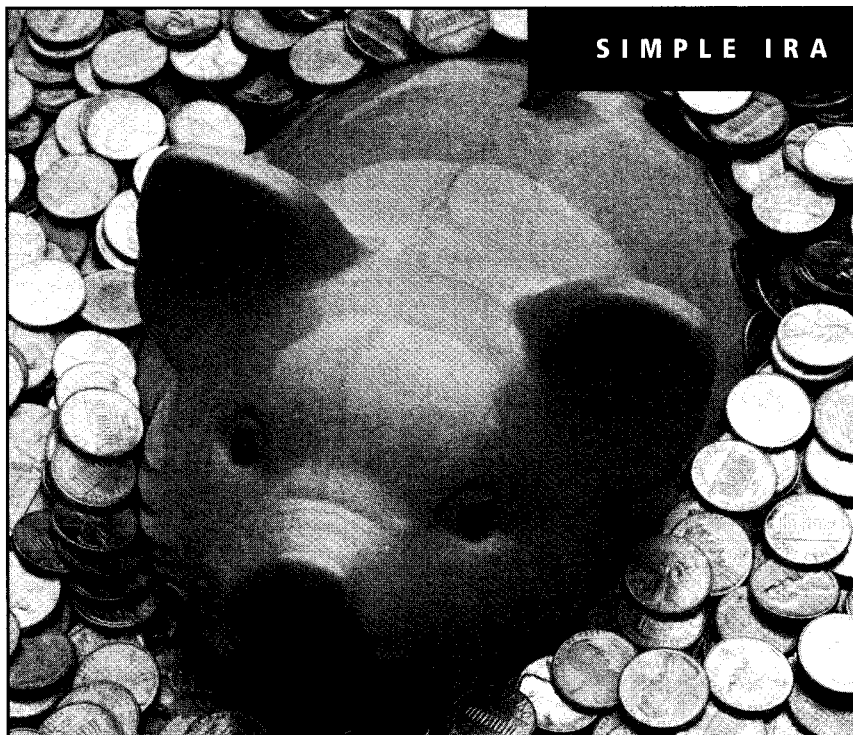
Contrary to the president's claim, the nation will, in fact, accept two systems of education. We've been doing it for a long time. There are about 54 million school-age children in the U.S., and only about 20,000 of them participate in a genuine school-choice program—roughly one out of every 2,700 kids. There would have been more, but for school choice's miserable political performance. Ballot initiatives were crushed in California and Michigan in 2000. The National School Boards Association reports that 28 state legislatures have considered school choice over the last two years; nowhere did it become law. If the future has never looked brighter for school choice, it may be because its prospects recently have been so dim.

Zelman creates the conditions for positive change. The decision removes an important obstacle that has bedeviled school choice for years—the claim that education vouchers used at parochial schools violate the First Amendment. The Court now says they don't. Yet plenty of legal hurdles remain, as well as even tougher political ones.

One of the most important remaining opponents of school choice is a former Republican presidential nominee: James G. Blaine, who was the GOP nominee in 1884. (Grover Cleveland beat him.) Blaine's campaign is best remembered for a supporter's colorful put-down of the Democratic party—"whose antecedents have been rum, Romanism, and rebellion."

Back in those days, there was a big constituency for anti-Catholic politics, and Blaine tried hard to exploit it. Catholics were beginning to seek state aid for their schools, and Blaine wanted to make sure they didn't get it. He introduced a constitutional amendment prohibiting aid to explicitly religious schools. It won the necessary supermajority in the House before falling just short in the Senate. Because it commanded a majority in Congress, however, lawmakers were able to impose their will on states seeking admission to the Union, including southern states seeking re-admission: Their constitutions were made to include "Blaine amendments," and today about three dozen states have them.

"They're the next big legal problem for school choice," says Bolick. *Zelman* may allow school choice, but these relics



Bigger tax savings for smaller companies.

With a **T. Rowe Price SIMPLE IRA**, you can save \$2,500 or more* on this year's tax bill and help your employees prepare for retirement. Both employers and employees make flexible contributions to the plan, making it easy to respond to changing business climates.

There's no cost to start, the plan is free of loads or sales commissions, and we keep our mutual fund expenses low to help you save more. Employer contributions are generally tax-deductible, with no IRS filings required.

Open an account online, or call us today for a free SIMPLE IRA investing kit including a prospectus.

- \$2,500 or more off your tax bill
- Employee participation is voluntary
- Act before the October 1 deadline

1 - 800 - 831 - 1229

T. ROWE PRICE . COM / SIMPLE

T. Rowe Price 
INVEST WITH CONFIDENCE

*Assumes \$75,000 business owner salary, 27% tax bracket, \$7,000 maximum deferral, and 3% employer match. Actual tax savings will vary. For more information, including fees, expenses, and risks, read the prospectus carefully before investing. T. Rowe Price Investment Services, Inc., Distributor. SIMPIO64886

of anti-Catholicism—whose prohibitions also apply to non-Catholic religious schools—will continue to muck things up until they, too, are defeated in court. This probably will happen in many of the places where challenges are brought—the Arizona supreme court recently defanged the state’s Blaine amendment, calling it “a clear manifestation of . . . bigotry.” But total victory, or anything approaching it, will take a long time and cost a lot of money.

A top political priority for school-choice supporters must be to protect the gains they’ve already made. In Ohio, there’s hope that the Cleveland program will expand in size and perhaps spread to other cities. But in Milwaukee, whose program is the oldest and largest, school choice is under constant pressure. The Wisconsin government currently faces a \$1.1 billion budget deficit, and Democrats proposed to make ends meet, in part, by hacking \$24 million from school choice. They abandoned this position late in June, but may pursue it more aggressively next year if a member of their party wins the governorship in November—a very real possibility.

Protecting gains, of course, won’t be enough. “The *Zelman* decision lets us move from defense to offense,” says Robert Enlow of the Friedman Foundation. That will require more cooperation within school choice’s uncertain constituency of conservatives and the urban poor. The suburban voters who elect conservatives aren’t keen on school choice—they’ve already exercised a form of it in picking where to live, see their property values tied to school-district boundaries, and remain basically satisfied with their public schools. The urban poor are stuck in a limbo where they tend to support school choice, but their political leaders don’t.

For many on the right, school choice is less about self-interest than compassion. The subtext of the entire movement is the underachievement of black students. The average black 17-year-old reads about as well as the average white 13-year-old. These are just the averages, of course; thousands of black kids don’t even meet this low standard.

The most important argument made for school choice is that it will improve academic performance. It is now impos-

ible to test this claim, because, in addition to the country’s three major publicly funded school-choice programs in Cleveland, Milwaukee, and Florida, thousands of children also participate in large-scale scholarship programs that function as privately financed school-choice programs. There’s one thing everybody agrees on, even researchers who are hostile to school choice: Parents of school-choice children are much more satisfied with their kids’ schools than other parents. This is no small thing, because parents are likely to see the intangible benefits of private schooling—advantages that test scores don’t necessarily capture.

■
**A total victory for school
choice will take a long
time and cost a lot
of money.**
■

Which is not to say the test scores for school-choice kids aren’t good. In their new book, *The Education Gap*, published by the liberal-leaning Brookings Institution, professors William G. Howell of the University of Wisconsin and Paul E. Peterson of Harvard report that black students given scholarships for private schools had much higher test scores than comparable students who stayed in public schools. In New York City, they were 9 percentage points higher after three years—enough to cut the black–white education gap in half. (The scores of non-black students did not appear to be much affected by school choice.)

School choice can’t succeed without black leadership. A few prominent black politicians—though not nearly enough—have embraced school choice. They include former Atlanta mayor Andrew Young and former New York congressman Floyd Flake. Newark city councilman Cory Booker made school choice a centerpiece of his hotly contested mayoral race this spring; he lost, but he’s young and will be back. The Black Alliance for Educational Options has run a series of slick advertisements targeting the black middle class, and it now claims 33 chapters

around the country. The *Zelman* decision may change some minds, too. “Those of us who have not supported the idea of vouchers may take a second look. I think constituents will ask me to take another look,” Georgia state representative Tyrone Brooks told the *Atlanta Journal-Constitution* shortly after the decision. There also seems to be a generation gap in opinion: Three years ago, the Joint Center for Political and Economic Studies found that 49 percent of black elected officials under the age of 41 supported vouchers, compared to just 23 percent who were 50 to 64 years old.

Conservatives will be smart to build bridges with these open-minded pols. Bush’s 2003 budget proposes a \$50 million pilot program for school choice, but a better rallying point may be Dick Arme’s bill to provide vouchers for about 8,300 poor kids in the District of Columbia. Congress approved similar legislation four years ago; President Clinton vetoed it, but he did so quietly and out of sight because he didn’t want to broadcast his opposition. A Democratic Senate is unlikely to cooperate this time around, but Republicans should at least put their party on record as supporting an innovative idea for poor children—and make liberals cast votes against it.

Success will present its own challenges for conservatives. The current accountability movement, embodied by the recent federal education bill, poses a special threat. Private schools already have to meet certain regulations set by states, but these are mainly of the fire-code variety. Private schools are for the most part able to create their own curricula and teach as they please—freedoms that help them outperform public schools. It won’t take much, however, for liberals to push for rules that require private schools accepting vouchers to meet the same standards as the public schools. If that happens, school choice might boomerang: Rather than effectively privatizing a piece of the public-education system, it would force private schools to operate more like the failing public ones.

That makes the *Zelman* decision a cause not just for conservative celebration, but for conservative vigilance as well.

NR

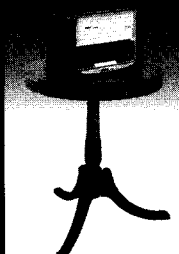
A Handcrafted Classic



The Classic 960... Unsurpassed luxury, style, tradition, performance... and value!

This is an updated and improved Grundig Classic 960 AM/FM/SW Radio – legendary in the 1950s. The 4" front speaker and two 3" side speakers, left and right, spread a warm, spacious, room-filling sound. ***Tune In The World!*** Enjoy news, events, sports and music at the push of an ivory-colored piano key. Stereo inputs for CD, tape, VCR, or TV sound. Bass and treble

controls. Luxurious listening is back – this **handcrafted solid wood cabinet** reproduces music and voice so full-bodied and rich because the radio itself is like a musical instrument!



GRUNDIG
Keeps You Informed!

To order, call us Toll-Free: 1-800-793-6542 Ext. NR03 Visit our website: www.grundigradio.com

24 hours a day, 7 days a week. We accept Visa, MasterCard, American Express, Discover, Check or Money Order. The **Grundig New Classic 960** AM/FM Stereo/Worldwide Shortwave Radio is only \$199.95 (plus \$15 shipping and handling and tax, if applicable*) payable in six monthly credit card installments of \$36.76. To order by mail, send credit card number and expiration date or check or money order for \$214.95 plus tax, if applicable*, to:

GRUNDIG DIRECT, 3520 Haven Ave., Unit L, Redwood City, CA 94063

*CA orders, please add 8.25% sales tax (billed with shipment). Payment in USS. AK, HI, PR & International orders (including Canada) please fax 1-650-361-1724 for shipping and handling. All duties and taxes for international orders are the responsibility of recipients. Allow 3-4 weeks for shipment. We can not ship to a P.O. Box. If paying by check/money order, please include; name address, daytime phone number, quantity, product and Ext. code from this ad (e.g. NR01)

American Inferno

Greens fiddle while forests burn

SEAN PAIGE

ACTS of God spark most forest fires, but the actions of men and their governments share responsibility for the fact that fires have in recent years reached "biblical" proportions. In this country, decades of government mismanagement of public lands have created a forest crisis of unprecedented dimensions, with an estimated 70 million acres of public forests vulnerable to wildfire and tens of millions more under all-out assault from insects, disease, and invasive species. But in an excruciating irony, environmental groups that most loudly proclaim their love for the forests have become the single greatest obstacle to saving them.

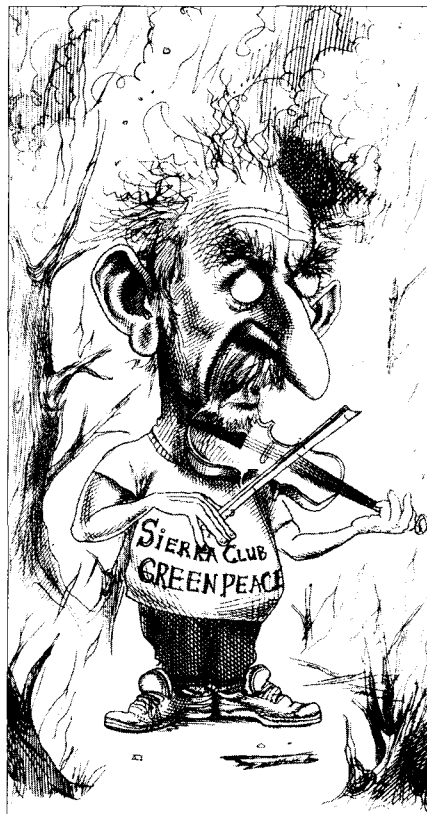
To understand why this is so, readers must suspend for a moment all they think they know about the hinterland. The problem today isn't too few trees, for instance; it's too many. That's because 90 years of systematic federal suppression of the small and moderate-sized fires that benefit forest health—following the fire-phobic dictates of Smokey the Bear—have turned many public forests into overgrown tangles that are ripe for wildfires and hasten the spread of disease and infestation. To most people, a dark and densely wooded forest may be aesthetically pleasing—but biologically, it may be choking itself to death.

We had fair warning of this emerging crisis after sections of Yellowstone National Park burned in the late 1980s. But federal land agencies were prevented from taking any serious action—

Mr. Paige is editorial director and an adjunct fellow at the Competitive Enterprise Institute.

indeed, they even adopted non-management as their prevailing mode of "stewardship"—under pressure from environmentalists, who oppose virtually all human meddling in forests. The tactics of protest and litigation perfected by an army of vocational activists not only brought the U.S. wood-products industry to its knees—as intended—but tied land agencies up in procedural knots that often prevented any harvesting of trees, even when it was necessary to improve forest health.

But now the battle has been joined, set off by monstrous fires that are rousing Americans to the nature of the threat. Many western politicians are blaming the enviros, and the enviros—unaccustomed to being on the defensive and suddenly short on moral superiority—are lashing back or changing the subject. They have been pointing to a "report" issued by the General Accounting Office last year supposedly showing very few instances in which environmental groups had blocked wildfire-mitigation efforts. While more than 1,600 such mitigation projects were funded in fiscal 2001, the report purportedly indicates, environmental groups were only involved in 20 legal appeals.



By Roman Genn

But, according to a Capitol Hill source, numbers soon to be released by the Forest Service will paint a far different picture. An internal review indicates that in some Forest Service regions where the wildfire threat is highest, as many as 60 percent of wildfire-mitigation efforts have been appealed since the National Forest Plan was instituted in August 2001. "They're using the report to put out an exceedingly false picture," the source says of environmental groups. "But when that picture is seen in its entirety, it won't be a pretty one for them."

The now-famous GAO "report" in reality is a GAO "letter," a quick and preliminary answer to a fairly narrow inquiry from members of Congress; in this case, Sen. Larry Craig of Idaho and Rep. Scott McInnis of Colorado. It consists of little more than a catalogue of 1,671 mitigation projects funded in 2001, listed by geographic region, followed by a brief synopsis of 20 instances in which projects were appealed by environmental groups. There is no context provided, with which a casual reader could glean the document's deeper meaning or deficiencies. And that redounds to the benefit of the green groups brandishing it. Sources inside GAO and on Capitol Hill caution that the letter provides only a one-year snapshot, taken at an unrepresentative time of transition when the National Fire Plan was just getting up and running; it in no way tells the whole story.

One expert points out that many of the projects listed had been on the shelf, waiting for funding, and the required paperwork and scientific analysis had been completed in advance, leaving no opportunity for appeal from outside groups. Hundreds more projects included in the tally aren't really relevant to the debate, because they are not in the western U.S., where the threat of wildfires is most acute. The wildfire-mitigation money was distributed widely, rather than focused where it was most needed. Nearly 400 of the projects listed were in the Midwest or Southeast, where the most radical groups aren't as active. Seventeen of the 20 appeals identified by GAO occurred in the Rocky Mountains and California's High Sierras, where the threat from wildfire

is rated exceptionally high by the Forest Service. Environmental obstructionism was greatest, in other words, where the need for action was most dire.

Concerns that the GAO document was being misused have prompted Craig and McInnis to ask the agency to take a more comprehensive look at the numbers. The lawmakers contend that the GAO's preliminary tally also failed to indicate that many of the listed projects were "categorical exclusions" (actions that are not subject to appeal), and that it overlooked the fact that one appeal can potentially halt dozens of individual projects, since many different elements can be bundled into a single forest-restoration project.

It was also a mistake to confine the scope of the inquiry to the last two or three years. The forest crisis was apparent to anyone paying attention at least as far back as the late 1980s; there was a twelve-year window of opportunity for action to save the forests. The conduct of environmental groups over this period should be examined. Take one example—a case that should have made the GAO's list, but didn't. A 1999 proposal to thin out the dangerously fire-prone Apache-Sitgreaves National Forest in Arizona was appealed and challenged in court by the Tucson-based Center for Biological Diversity. A final decision was still on hold when large parts of the forest (and nearby towns) were engulfed in the recent conflagrations in that state.

The same group was involved in at least five other legal efforts to block fire-mitigation projects in Arizona dating back to 1997: Three were on the Apache-Sitgreaves National Forest, and two on the equally fire-prone Coconino National Forest. The group was joined in some of those actions by the Sierra Club and other enviro groups.

The costly and time-consuming barrage of lawsuits seems to have left many Forest Service personnel feeling risk-averse, defeated, overwhelmed. Several agency personnel interviewed last year during research on the salvage-timber controversy told me that they wouldn't even bother going through the laborious process of putting out bids for the removal of burned and dead trees, because they just assumed the actions

would be delayed or blocked by political opposition and litigation.

Critics dismiss the controversy and debate over who or what is responsible for the current state of affairs as "government-bashing" or "the blame game." Yet viable solutions are inseparable from an accurate diagnosis of problems. And as the above history suggests, greens and government are at least as complicit in the current crisis (and perhaps more so) than are acts of God.

Today the nation stands in a fire trap of its own methodical construction. If it's going to escape from even greater devastation, Americans are going to have to develop a more sophisticated, realistic, less-romanticized understanding of nature and man's relationship to it. In that regard, they should recall the wisdom of Aldo Leopold, a renowned forester and conservationist often held up as a hero by the very groups that are loving the forests to death. "Conservation is a positive exercise of skill and insight," advised Leopold, "not merely a negative exercise in abstinence and caution."

NR

■ THE MIDDLE EAST ■

Their Kampf

Hitler's book in Arab hands

DAVID PRYCE-JONES

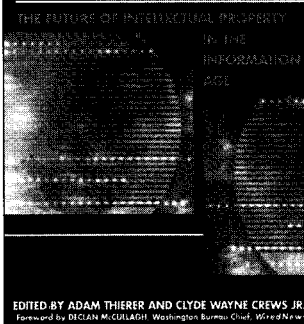
ADOLF HITLER's autobiography *Mein Kampf* is as vile as any book ever published. Written in 1923 while he was in prison as a revolutionary agitator and at that point unlikely ever to be anything else, Hitler built on the connected emotions of hatred and self-pity. It is the work of a failure, what is more of a man who knows himself to be a failure. The failure is everyone's fault except his own. And all these people are against him because they belong to different races: That is the key. In the book he invents a "racial ladder" with

CATO
INSTITUTE

NEW AND FORTHCOMING BOOKS

CIVIL SOCIETY • INDIVIDUAL LIBERTY • FREE MARKETS • LIMITED GOVERNMENT

COPY FIGHTS



“The Cato Institute has performed a terrific service for anyone interested in the future of technology. It has assembled a provocative, beguiling, and thoroughly engaging collection of essays on the law and policy of intellectual property.”

—Declan McCullagh
Washington Bureau Chief, *Wired News*

Copy Fights: The Future of Intellectual Property in the Information Age

Edited by Adam Thierer and Clyde Wayne Crews Jr.

280 pages

Cloth \$19.95 ISBN 1-930865-25-2

Paper \$10.95 ISBN 1-930865-24-4

Available at bookstores nationwide • To order call 1-800-767-1241 or visit www.cato.org

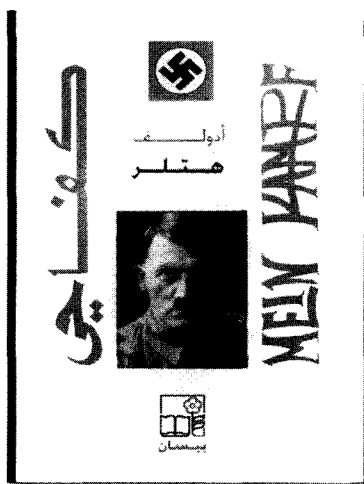
Germans naturally at the top of it and Jews down at the bottom. If only they had been properly German, all those other people would have recognized his greatness. But by definition they couldn't be German, and they stood in his way, and so he had to kill them, stamp them out. On the one hand, thwarted ambition; on the other hand, a hatred of humanity. The combination still has the power to send a shiver down the spine.

Hitler's fate, and the mass-murder he inspired, did not put an end to the malignant appeal of his book. There are plenty of people who know themselves to be failures and blame everyone for it except themselves. They too fantasize that they have enemies who can never be anything else because they belong to another race, and the only solution is to massacre the lot. Almost 80 years after its first appearance, *Mein Kampf* remains an international hit. The Bavarian state owns the copyright but whether it collects royalties is unclear. The book is banned in Germany, but for some years Random House has been marketing an English translation, defending itself with the argument that it is a historic text which has to be studied.

Communism was perhaps the most spectacular political failure in history, killing tens of millions, and wasting the lives of hundreds of millions more. These victims mostly came from societies that were still traditional, usually agricultural. How were they to explain to themselves the calamity which Communism visited upon them? The arrival of democracy in Russia and its former satellites has brought into these countries fresh editions of *Mein Kampf* in half a dozen languages. In Poland the initial print-run was 20,000 copies (a significant quantity there). A minority evidently believes that Communism was all a Jewish plot, and Hitler had got things right. The authorities crack down half-heartedly.

Muslim and Arab society is today a failure much as Communism used to be. Muslims and Arabs live under absolute and despotic government which prevents them from enjoying anything like the freedom and prosperity that they see in the West and wish for themselves. On the whole they realize that they have long ago taken their history and destiny

into their own hands, and so are responsible for themselves. But so dire are the injustices and the poverty, and so threatening is the tyranny over their heads, that many are lost in pity for themselves, and hatred of everyone else. A slew of racists, radicals, and Islamists share a frame of mind that the West is selfishly conspiring against them, with the Jews once again secretly in charge. Catering to such people since the early '60s, editions of *Mein Kampf* have been put out in Lebanon and Saudi Arabia, and it is reported to be a bestseller in the Palestinian Authority area. It is available in London stores selling Arabic books. As its Arabic translator Luis al-Haj expresses it in his preface, "National Socialism did not die with the death of its herald. Rather, its seeds multiplied under each star."



A big hit

In traditional society in the Middle East, Arabs were the masters and Jews were second-class subjects, protected though under rather demeaning conditions. European-style anti-Semitism, usually spread by missionaries and diplomats, came in during the 19th century. Zionism, another import from Europe, redefined Jews according to nationality rather than religion, and the accompanying improvement in their lowly status abruptly challenged Arab assumptions of superiority. These second-class people could surely never have done it on their own; they could only be obtaining their new power from outside—it had to be a plot. Hitler says so too in his book. He believed Zionism was "nothing but a

comedy," and he could see through "this sly trick of the Jews." He wrote in *Mein Kampf*:

They have no thought of building up a Jewish state in Palestine, so that they might inhabit it, but they only want a central organization of their international world cheating, endowed with prerogatives, withdrawn from the seizure of others: a refuge for convicted rascals and a high school for future rogues.

The Third Reich and the Arab East, by Lukasz Hirsowicz, a Polish-born scholar, was published almost 40 years ago but remains a definitive work. It examines in careful detail how Hitler's Germany sought to woo Arabs through anti-British and anti-Jewish policies. Nazi personalities like Josef Goebbels and Baldur von Schirach of the Hitler Youth carried out goodwill tours. Various German agents financed and armed clandestine Arab fascist groups. The first Arabic translation of *Mein Kampf* appeared in 1938, and Hitler himself tactfully proposed to omit from it his "racial ladder" theory.

Of all the Arabs convinced of Hitler's coming triumph, none was so eager as Haj Amin al-Husseini, the grand mufti of Jerusalem and leader of the Palestinian Arabs in the Hitler years. Vincent Sheean, the Thomas L. Friedman of the day, thought that Haj Amin had "great gifts." Along the lines that "my enemy's enemy is my friend," Haj Amin converted the Palestinian cause into a local branch of Hitler's worldwide anti-Jewish persecution. Fleeing from the British, he spent the war in Berlin. A friend and admirer of Himmler's, he raised a division of Bosnian Muslims for the SS. Hitler made grandiose promises to him, but was cautious enough to add that they could be met only after victory.

Fanaticism had led Haj Amin into utter delusion. Hitler, the expected savior, had in reality the settled conviction that Arabs were *Untermenschen* and he had no intention of doing them any favors. On that racial ladder of his, Arabs occupied a servile place, held in much the same contempt as the Jews. All sorts of Arab leaders were to follow Haj Amin's example and fall into the racist trap Hitler set for them, including

Gamal Abdul Nasser and Anwar Sadat, the Syrian and Iraqi Baathists, and King Ibn Saud of Saudi Arabia.

It cannot be proved, but I suspect that many—probably most—Arabs accept Israel as a fact of life, created by the millions of individual choices which make up history, and over which nobody has any control. But the leadership, the intellectuals particularly, have internalized and perpetuated Hitler's fantasies about Jews and a Jewish state. In one Muslim country after another, leaders who may describe themselves either as Islamist or secular call for the State of Israel to disappear from the map, and its people to be annihilated. It does not seem in the least shocking to them to be proposing mass-murder.

On the contrary: It is only natural in an absolute ruler to seek to kill off his enemies. Ahmad Ragab, a columnist for the Egyptian government paper *Al-Akhbar*, is only one example among many opinion-makers to "give thanks to Hitler, of blessed memory," and regretting only that Hitler had not extracted

revenge for Palestine by murdering every last Jew. Arab propagandists contradictorily go in for versions of Holocaust denial. The present mufti of Jerusalem, Sheikh Ikrima Sabri, said quite typically before his recent meeting with Pope John Paul II that the numbers of Holocaust victims had been exaggerated. "The Jews are using this issue, in many ways, [including] to blackmail the Germans financially." That has become a standard notion and it chimes perfectly with *Mein Kampf* and its lies about "rogues" endowed with "prerogatives."

But if really Hitler and his henchmen are role models to be imitated, then it is confused and confusing that Arab media regularly publish articles and cartoons caricaturing Israelis as Nazis, twisting the Star of David into a swastika, and so on. In today's Muslim and Arab world, Hitler and the Holocaust are labels bandied about without regard to historical truth, in order to promote hatred on the one hand, and self-pity on the other—twin signals of intellectual and moral failure.

NR

■ THE MIDDLE EAST II ■

And a Thief, Too

Yasser Arafat takes what he likes

RACHEL EHRENFELD

PRESIDENT BUSH's call to change the Palestinian leadership and to bring reform, accountability, and transparency to the Palestinian Authority should focus attention on the financial

Rachel Ehrenfeld is director of the New York-based Center for the Study of Corruption and the Rule of Law (www.public-integrity.org), and the author of the forthcoming book *Funding Evil* (Bonus Books).

At last, a stereo system that's simple to use.
(Sounds great already, doesn't it?)



The Bose® Acoustic Wave® music system is "the least intimidating quality sound system ever developed," raved the *Chicago Tribune* when the system was introduced. Because, to be completely wrapped in rich, high-fidelity sound, all you have to do is press the ON button. This compact system includes a CD player, an AM/FM radio, built-in speakers and a handy remote control. Yet the key to its rich, clear sound is something no other conventional stereo in the world has: our

patented waveguide speaker technology. With its elegant profile and color choice of either Platinum White or Graphite Gray, it's a pleasure to the eye as well as the ear. And it's available directly from Bose, the most respected name in sound. So call today for more information about our 30-day in-home trial. Take advantage of our installment plan and make **12 low interest-free monthly payments.*** Order now and you'll even get a free Pedestal with inputs for your TV, VCR,

DVD player and another music source. The Pedestal is a \$149.95 value that helps you discover what a simple pleasure music can be.

Call today,
1-800-726-2073, ext. G5370.

For information on all our products:
www.bose.com/g5370

BOSE®
Better sound through research®

©2002 Bose Corporation. Patent rights issued and/or pending. The Acoustic Wave® music system design is also a trademark of Bose Corporation. *Installment payment plan and free Pedestal offer not to be combined with any other offer or applied to previous purchases. Payment plan available on credit card orders only and subject to change without notice. Quote: Rich Warren, *Chicago Tribune*, 12/16/84.

corruption of Arafat's regime. Before Bush's speech, Condoleezza Rice, the national security adviser, accurately summed up the situation in the *San Jose Mercury News*: "Frankly, the Palestinian Authority, which is corrupt and cavorts with terror, . . . is not the basis for a Palestinian state moving forward." Judging by the response of Yasser Arafat and his lieutenants, however, no such change is likely anytime soon.

How corrupt is the PA? How much money have Arafat et al. stashed away? Where did the money come from? How long have we known about it?

The first public evidence that Arafat's Palestine Liberation Organization had at least \$10 billion came to light when the Pakistani-owned rogue Bank of Credit and Commerce International was shut down by the Bank of England on July 5, 1991. Britain's National Criminal Intelligence Service (NCIS) published its own estimate of the PLO's loot in a 1993 briefing paper on organizations threatening the UK, calling it "the richest of all terrorist organizations." NCIS estimated the PLO's ill-gotten gains at \$8–10 billion. In addition, the PLO enjoyed an annual income of about \$1.5–2 billion from "donations, extortion, payoffs, illegal arms dealing, drug trafficking, money laundering, fraud, etc."

In the U.S., the General Accounting Office investigation of Arafat and the PA's wealth in November 1995 was kept secret because the CIA insisted that the publicity would hurt the "national security interest." This despite the CIA's own report in 1990 that the PLO had \$8–14 billion.

Then came the Oslo accords. Following the 1993 ceremony on the White House lawn, Arafat pleaded poverty and set out, hat in hand, on a world aid tour, claiming that the peace process would collapse without financial support from the international community.

Exactly how much money Arafat and his gang have pocketed is hard to ascertain. But the conspicuous consumption of Arafat and his inner circle—rows of ostentatious villas, shopping sprees in Paris, and late-model Mercedes-Benzes—has not gone unnoticed by ordinary Palestinians, who live in dismal conditions.

When \$326 million disappeared from

PA coffers in 1996, the Palestinian Legislative Council established a special commission to investigate corruption within the PA. The ensuing report found that nearly 40 percent of the PA's \$800 million annual budget (coming mostly from foreign aid) had been lost through corruption and mismanagement. The PA's comptroller wrote: "The overall picture is one of a Mafia-style government, where the main point of being in public office is to get rich quick." Arafat suppressed the report but promised reform.



Livin' large, by Ismael Roldan

In October 1999, Azmi Shuaibi, chairman of the PLC's Budget Committee, had harsh words for the PA at the 9th International Anti-Corruption Conference in Durban, South Africa: "The recent corruption found in the PA is similar to the corruption that exists in the rest of the Arab countries' governments."

Soon after, the London *Daily Telegraph* revealed that computer hackers had broken the security code of the PLO's computer system, uncovering records of about \$8 billion the PLO held in numbered bank accounts in New York, Geneva, and Zurich, and smaller secret accounts in North Africa, Europe, and Asia. The newspaper also unearthed further secret holdings of the PLO—including front companies, European real estate, and shares in Mercedes-Benz and the national airlines of the Maldives and Guinea-Bissau—totaling about \$50 billion for the year 2000 (up from \$32 billion recorded in 1998). Naturally, Arafat and his men denied the report.

Ongoing demonstrations by disgruntled Palestinians frustrated with this

corruption convinced Arafat that his rule was becoming shaky. It was in large measure to deflect internal turmoil that he launched the intifada.

In 2000, Arab countries pledged \$1 billion to the PA to ease the economic hardship of the Palestinians. Past dealings with Arafat, however, prompted them to demand that "Chairman Arafat show complete transparency in the funds" and provide a detailed report on how the money would be spent. Arafat refused to comply, and the Arab leaders suspended transfer of the money, telling the PLO chairman that they were doing so "for fear that the money will end up in the wrong pockets."

By April 2001, however, things had changed: Arab donor countries, recognizing in Arafat's intifada a convenient distraction from their own countries' problems, began pumping money again into the PA. At least \$45 million per month was transferred directly to Arafat, most notably from the Saudis and Saddam Hussein. This money was not given to alleviate the suffering of the Palestinian people, but to fund PLO terrorist training and organizations, such as Islamic Jihad and the al Aqsa Martyrs Brigades. Recently, the monthly donations from Arab nations were increased to \$55 million, in addition to the hundreds of millions of dollars raised in special events to fund the escalating intifada, such as the now infamous Saudi telethon to raise money for the families of Palestinian homicide bombers.

Money flows in from the European Union, too. Despite voluminous evidence of use of aid money to fund terrorism collected by the Israeli Defense Forces at Arafat's compound in Ramallah—including handwritten instructions from Arafat himself—millions of dollars continue to pour in from the EU. Why? Chris Patten, the EU commissioner, wrote on May 7 that "the EU had not seen any hard evidence that the EU funds have been misused to finance terrorism or for any other purpose."

"Arafat Bombs, Europe Pays" was the headline of the German newspaper *Die Zeit* on June 7. The newspaper's special investigation into EU funding revealed that at least 4.1 billion euros have flowed from the EU to the PA since the autumn of 1993, in addition to hun-

dreds of millions of euros in grants contributed by individual European countries. When the Israelis stopped transferring the PA's share of revenues from import duties after realizing where the money was going, the EU stepped in to replace those funds. Each month since June 2001, 10 million euros have been paid directly to Arafat.

Die Zeit reported that a few European legislators called for an end to the funding for fear that the money was being used to fund terrorism. But Chris Patten dismissed these concerns, praising "Europe's especially strict mechanisms for ex-ante and ex-post controls." Not even the interception of the illegal arms shipment from Iran on the *Karine-A* fazed EU bureaucrats. So, the financial umbilical cord from Europe to the PA remains, and the IMF representative charged with monitoring how the funds are used admits that "we do not oversee how every euro is spent, because we are not auditors."

On June 19, following a slew of homicide bombings by Arafat's al Aqsa Martyrs Brigades, the EU parliament voted to give an additional \$17.7 million to the PA. According to the Associated Press, "Patten conceded that corruption in Yasser Arafat's Palestinian Authority and other problems made it impossible to know where every euro finally ended up [because] 'it's an impossible question to ask in the real world.'"

But perhaps some in the Arab world have had enough. On June 5, the Kuwaiti daily *Al-Watan* published documents it received from a Cairo branch of a Middle Eastern bank showing that Arafat had deposited \$5.1 million into his personal account—to support his wife and daughter, who live in Paris and Switzerland. According to the same report, the money came from Arab aid funds that had been allocated for the Palestinian people.

By now, EU aid to Arafat and the PA has reached at least \$4.5–5 billion. U.S. aid to the PA runs about \$75 million annually, not including the millions of dollars sent each year from private sources. Corruption is rife, and today the Palestinians are further away from democracy than ever before. As long as Arafat controls the PA's funds and he and his gang remain in power, no real reform is possible.

NR

■ CAPITOL HILL ■

Slow on Sudan

A bill stalls; has AIPAC reneged?

ELI J. LAKE

In June 2001, Nina Shea, the director of Freedom House's Center for Religious Freedom, believed she could count on the pro-Israel lobby's support for legislation on human rights in Sudan. At the time, the American Israel Public Affairs Committee's top priority for Congress was the renewal of sanctions against foreign oil companies doing business with Iran and Libya. The top priority for Shea's impromptu coalition—black

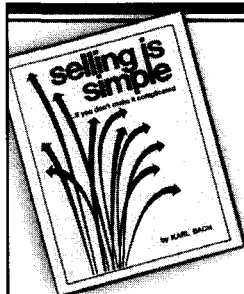
Mr. Lake is the State Department correspondent for UPI.

congressmen, evangelical Christians, Southern Baptists, and social conservatives—was to punish foreign oil companies fueling Sudan's military campaign against Christians and animists in the country's 19-year civil war.

Shea, therefore, wanted to amend the Iran-Libya Sanctions Act (ILSA) to include Sudan. AIPAC did not want to weigh its legislation down with amendments that might jeopardize its passage. So the two sides reached a compromise: AIPAC's legislative director, Brad Gordon, promised AIPAC's support for the Sudan Peace Act, and in exchange Shea's coalition promised to drop support for the Sudan amendment on ILSA.

An unfettered ILSA passed Congress in July 2001; but—one year later—the Sudan Peace Act is in danger of dying a procedural death as it awaits action in the Senate.

"AIPAC said they would help with this," says Shea, "but I don't think this is a priority for them." Rev. Walter Fauntroy, head of the National Black Leadership Roundtable (affiliated with the Congressional Black Caucus), puts it this way: "We thought we had an understanding. If



The most important book about salesmanship ever written ...

Selling is Simple...

by Karl Bach only \$19.95*

*But read this ad for an even better deal!

Karl Bach was a penniless and uneducated German-Jewish immigrant. He spoke very little English and, to top it off, he had a physical impediment. Not being able to get any other job, he enlisted as a Fuller Brush salesman. Within two months, he became the most productive salesman Fuller had ever had. From a standing start, he had developed irresistible sales techniques. He applied those methods and insights to the life insurance business. Within three years, he became one of the most successful life insurance producers in the US. He founded and became principal owner of the San Francisco Life Insurance Company, which eventually merged with the Philadelphia Life Insurance Company. He became a very, very wealthy man. In this book, Karl reveals his enormously successful salesmanship methods.

If you are in any area of selling, you should be able to at least quadruple your performance by reading this groundbreaking book and following its precepts. There is no reason why you shouldn't be as successful as Karl Bach -- you have so much more going for yourself than he did. We are the publishers of this book and can offer it for only \$19.95. ***But we have an even better deal: Buy two books for \$39.90 and we will send you a third one, with our compliments -- absolutely FREE!** If you are in any area of sales and want to multiply your performance and your income, you owe it to yourself to buy this book. You and your family will be glad you did. Order it today!

Order directly from the publisher by toll-free phone (800) 600-2777, by fax (415) 356-7804, or by mail. Mention order code 1094Y340 and give Visa/MC # and expiration date, or send check for \$19.95. Add \$4.95 shipping/insurance, plus sales tax for CA delivery. 30 days refund/return, except for shipping/insurance.

advance books

division of jomira/advance
470 Third St., #211, San Francisco, CA 94107

Order by toll-free phone: (800) 600-2777 or (fastest!) by fax: (415) 356-7804
Visit our website at www.haverhills.com

we did not push Sudan on the Iran-Libya Sanctions Act we could expect help from AIPAC in moving the Sudan Peace Act. This hasn't happened yet."

And time is running out. With only weeks left on the Senate calendar, majority leader Tom Daschle has yet to bring up a motion to appoint conferees on the Sudan Peace Act—and it doesn't appear that he will. Daschle's spokeswoman, Ranit Schmelzer, said recently that "it would require over a week of floor time to appoint conferees."

None of this bodes well for the Sudan activists who say that forbidding the Canadian, Chinese, Malaysian, and Russian oil companies to do business with Khartoum is the most effective way to force the Sudanese government to end the war. Peace talks are underway in Nairobi, but, according to Shea, "there is no political will [for the government] to sit down in good faith with the opposition. [They] are convinced they can win the war."

Shea has a point. Much of the money Sudan derives from its oil pipeline goes to purchase Russian-made MiG fighters, Eastern European attack helicopters, and other advanced armaments. Indeed, a confidential November 2000 International Monetary Fund report found that Khartoum doubled military expenditures only one year after its oil pipeline became operational in 1999.

U.S. sanctions on the oil companies aim to make it unprofitable for them to continue to underwrite Sudan's military. Under the House version of the Sudan Peace Act, the New York Stock Exchange would have to de-list Petro-China, a subsidiary of the China National Petroleum Company, because the

Chinese own a 40 percent stake in the pipeline project in Sudan. The legislation would also prohibit Petronas, Malaysia's national oil company, from issuing corporate bonds in the U.S.—as it did in May, when it raked in \$1 billion in a deal financed by Morgan Stanley and Salomon Smith Barney.

Time is running out on the Sudan Peace Act.

Unfortunately for the bill's supporters, AIPAC has not come through on its commitment of last year. On March 15, Shea and Fauntroy, along with nine other key activists, wrote AIPAC president Tim Wuliger to urge his lobby to persuade the Bush administration and the Senate leadership to lift their opposition to the sanctions. Shortly thereafter, AIPAC's Brad Gordon phoned Daschle's staff to make the case for moving the bill forward. Gordon would not agree to be interviewed for this article, but AIPAC spokeswoman Rebecca Needler said in a statement: "AIPAC believes this is important legislation and we want to see it enacted. Those that think AIPAC is not providing support are simply misinformed."

But according to signatories of the letter and Senate staffers, AIPAC's efforts stopped there. A phone call to Daschle's staff appears a far cry from Gordon's "solemn pledge" on behalf of his organization—as quoted in the March 15 letter—to "do 'whatever it took' to help ensure passage of the Sudan Peace Act." "Moving Daschle to name conferees to the Sudan Peace Act is going to require more than a perfunctory phone call to a staff member," says Shea. "This might require a mass mobilization, a full-court press."

But is it necessarily true that AIPAC could—in and of itself—turn the legislative tide in favor of the Sudan bill? Measuring AIPAC's actual influence in Congress is a tricky matter. Despite its name, AIPAC is not a PAC: As an organization, it does not raise money for political races. But many of its members do—and AIPAC's support for legislation often carries with it the support of skilled

fundraisers. Phone calls from AIPAC leaders to congressional leaders can frequently move or block legislation, especially in the foreign-affairs arena.

And this is who Fauntroy means when he says, "We need to see Jewish decision-makers that impact the U.S. Congress weigh in on this matter with the Senate leadership." The recent case of Earl Hilliard's failed re-election bid in Alabama illustrates—for Fauntroy, at least—AIPAC's influence. Last month, Hilliard—who in 1987 visited Libyan leader Muammar Qaddafi, and this May opposed a House resolution supporting Israel's right to defend itself—lost his primary runoff by 12 points. Fauntroy says that "hundreds of thousands of dollars in contributions from outside his district"—much of it from supporters of Israel—was a major factor in Hilliard's loss. This is a claim that cannot be verified: Hilliard's constituents may have voted for his opponent because the House Committee on Standards of Official Conduct reprimanded Hilliard for misusing campaign funds; alternatively, he may simply have been a victim of redistricting. But the perception that AIPAC's membership can unseat a five-term congressman leads Fauntroy and others in the Congressional Black Caucus to conclude that AIPAC has the muscle to sway Daschle to at least name conferees to the Sudan Peace Act.

Whatever the case, AIPAC has good reason to make an extra effort: the merits of the bill itself, and the villainy of the regime it seeks to undermine. A May 22 report by a team of U.S. and European observers found that militias trained in the north "burn villages, loot cattle, rape and kill civilians, and abduct and enslave men, women, and children." Sudan's government remains on the State Department's list of sponsors of terrorism because it harbors Hezbollah and other groups operating against Israeli civilians. In April, Sudan's military urged "all parties, institutions, trade unions, students and youths, men and women" to go to militia training camps in solidarity with the Palestinian intifada. The Sudanese government is committed, at least rhetorically, to the destruction of Israel.

The Sudan activists are making an incontrovertible point: Israel's friends should stand with Israel's friends—and against Israel's enemies. **NR**

WHAT THEY'RE SAYING ABOUT

PRO
nationalreview

"This is not your father's
NATIONAL REVIEW."

—Committee of Concerned
Journalists

www.nationalreview.com

One Branch Among Three

The courts should not be so powerful—and they don't have to be

RAMESH PONNURU

PITY Alfred Goodwin. The judge has been vilified from coast to coast for ruling that it's unconstitutional to force schoolkids to listen to the words "under God" in the Pledge of Allegiance. The words "wacko," "stupid," "ridiculous," and "just nuts" have all been applied, either to the decision or to the judge himself. Except for Judge Stephen Reinhardt, who voted with him, almost nobody seems to be on Goodwin's side. Even the ACLU has been uncharacteristically quiet in its support for him. After a day of criticism, Goodwin felt moved to stay the implementation of his own decision as a matter of (in his words) "damage control."

Goodwin and Reinhardt deserve better. In the context of the church-state case law that the Supreme Court has built up over the last 55 years, their ruling was, at the very least, defensible. The Court has frequently held that there is a constitutional obligation for governments—state governments and the federal government alike—to avoid the appearance of endorsing religious views. It has ruled that public schools, in particular, must avoid actions that may generate social pressure for children to express support for such views. It's hard to reconcile the common public-school practice of reciting the Pledge with the Court's rulings.

What Goodwin and Reinhardt did was take orthodox liberal church-state jurisprudence to its logical conclusions. Only political prudence, or residual common sense, has kept their fellow judges from doing the same.

The decision can, of course, be faulted for exhibiting a certain judicial arrogance. The judges forbade a widespread, long-accepted practice, implying that the Supreme Court, state legislatures, and schools had all been constitutionally derelict and oppressive in letting the Pledge be recited all these years. But here again, Judge Goodwin's ruling is not so much more egregious than other judicial edicts. A week before it, the Supreme Court had ruled that it is unconstitutional for states to impose the death penalty on mentally retarded convicts. It thus overruled the judgment of 20 states, with no greater constitutional justification than that "evolving standards of decency" had left those states behind.

Unlike the Pledge decision, moreover, the death-penalty decision will have negative real-world consequences, as Death Row convicts start gaming the intelligence tests.

THE SLUMBER OF OUTRAGE

In both of these cases and many others, the worst damage done by the courts is to the constitutional structure: to self-government, federalism, and the rule of law. In such cases, the federal judiciary steps beyond its constitutional powers at the expense of local elected officials. But judicial self-aggrandizement as such does not seem to outrage the public. People grow angry only when judicial power is used for ends to which they object emotionally—like the removal of "God" from the Pledge.

It would be nice if the American people were more jealous of their constitutional prerogatives as a matter of principle. As things stand, it is incumbent on political leaders who are concerned about constitutional ideals to use moments of public agitation to restore those prerogatives.

Political leaders failed in this task the last time the courts presented them with an opportunity. In 1989, the Supreme Court ruled Texas's ban on flag-burning unconstitutional. The immediate issue, as in today's Pledge case, was less than earth-shattering. Also as in the

present case, there was nonetheless an eruption of popular anger at the decision, and politicians reflected this mood in denouncing it. There were other parallels as well. Although states had long protected the flag without the raising of a constitutional question—just as schools for decades had asked children to recite the words "under God" in the Pledge—the ruling that doing so was unconstitutional was plausibly based on precedents that had drawn little notice from the public. (Those precedents classed various forms of expression, such as nude dancing, as "speech" deserving a certain level of constitutional protection. And whereas the First Amendment stipulates that "Congress" shall make no law abridging freedom of speech, the Court had extended the protection of free speech to apply against the states as well.)



Congress's response to the controversy was to pass a federal version of the Texas statute. The Court promptly, and predictably, struck the federal law down. Then congressmen started pushing for a constitutional amendment to ban flag burning. This effort served narrow political purposes, since it forced liberal congressmen to vote to allow flag-burning. But its chances of actual success in undoing the Court's ruling were always slim: The Constitution, quite properly, makes itself difficult to amend by elected officials. To many people, it also seemed a bit grotesque to amend the Constitution to deal with an issue that was, in itself, so picayune. One wouldn't want to clutter the Constitution with clarifications every time the courts misread it.

The congressional response to Judge Goodwin's ruling has been even more pathetic than the response to the flag-burning decision. Politicians have been content to take to the floor of Congress to recite the Pledge and denounce the ruling—and to vote for a resolution declaring themselves pro-Pledge. There has been enough mindless posturing to make anyone wonder, for a moment, whether judicial rule is all that much worse than representative democracy.

■

**We treat the Constitution as though it were
whatever the Court says it is. Such power,
effectively unchecked, is bound to be abused.**

■

But perhaps the congressmen should not be judged too harshly. Most of them are unaware of any more constructive action they can take in the face of unconstitutional judicial actions. Our political culture contemplates two methods of correcting errant courts: amending the Constitution to override them, and appointing successor judges who will rule differently.

The amendment strategy, as mentioned, is very hard to pull off. (Even at that, it's under ideological challenge from prominent academics who regard corrective amendments as, in the words of Stanford Law School dean Kathleen Sullivan, "mutiny against the authority" of the courts.) The appointments strategy is hardly easier. Presidents Reagan and Bush I tried to improve the composition of the federal judiciary, but their success might be described, with charity, as mixed—and they were able to make five Supreme Court appointments. A set of conventions has also arisen around the judicial-selection process that inhibits presidents and senators from discovering either the scope of a nominee's view of his prospective constitutional powers or the uses to which he would likely put those powers.

Occasionally, someone will suggest that judges who regularly exceed their constitutional mandates should be impeached. Tom DeLay said this a few years ago, and was treated as a dangerous madman as a result. He shouldn't have been. In *Federalist* Number 81, Alexander Hamilton prescribes exactly that remedy for judicial usurpation. But modern legal scholars generally glance past those words in embarrassment. (Chief Justice William Rehnquist, acting in his sometime role as the head of the judges' union, has made

a singularly unconvincing case that Hamilton's views have been made obsolete.) Should constitutionalists devote their energies to making the case that impeachment is not an extreme remedy for usurper-judges? Probably not. Any such educational campaign might end up teaching the wrong lesson—that the problem with the judiciary is a few bad apples, not a structural imbalance of power.

Judicial errors are so hard to correct—and the potential remedies are now so weakened—because we have come to hold an inflated view of judicial authority. We think it natural that judges should have the last word on constitutional matters. We habitually treat the Constitution as though it were whatever the Supreme Court says it is. We assume that the Court has the job of determining the limits of everyone else's powers, which means, of course, that it has more power than everyone else. Such power, effectively unchecked, is bound to be abused.

HOW TO CHECK THE COURT

There is, however, a way to start changing these assumptions. The Constitution grants Congress the power to limit the jurisdiction of the federal courts. Article III, Section 2, explicitly gives Congress the power to limit the appellate jurisdiction of the Supreme Court ("the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make"). The power of Congress to limit the jurisdiction of the lower federal courts is implied. Article III, Section 1, grants Congress the power to create the "inferior Courts," which has to include the power to establish the scope and limits of their jurisdiction. (The Constitution spells out Congress's ability to limit the jurisdiction of the Supreme Court because the Constitution, rather than Congress, establishes that court.)

A simple majority of Congress and a presidential signature can regulate, or establish exceptions to, the jurisdiction of the federal courts. A constitutional amendment is not required. Such a bill would reduce the power of the judiciary—rather than merely recall a few judges (as impeachment would) or make an impotent gesture of defiance to the courts (as the congressional flag-burning statute did). In addition, the effort to pass a bill would be educational even if it failed to pass, since it would challenge prevailing misconceptions about the proper division of interpretive power over the Constitution.

So, for instance, Congress could pass a bill making it impossible for the lower federal courts to take up challenges to the constitutionality of schools' use of the Pledge of Allegiance—a bill that Republican congressman Todd Akin of Missouri has introduced. Judge Goodwin's decision would be effectively nullified, since neither he nor other federal judges would be able to enforce it.

If the bill starts to gain steam, there will be no shortage of criticisms of it. (Anthony Lewis may come out of retirement to denounce it.) People will call it an overreaction to one bad decision that the courts are already correcting. They will say that it is not the place of Congress to do the correcting, that it is the job of the courts alone to interpret the Constitution.

Some conservatives will be among the critics. Many of them accept judicial supremacy, criticizing how the Supreme Court rules us rather than the fact that it rules us. In some

cases, they want to use judicial power for conservative ends. They may not be familiar with the constitutional basis for regulating the jurisdiction of the federal courts.

Even conservatives who *are* familiar with it sometimes raise the objection that reining in the federal courts would only empower the state courts, which are in many cases even worse. Pass Akin's bill, for example, and a California court could issue an anti-Pledge ruling. The objection is not persuasive. When state courts overstep their mandates, opponents in the state have political recourses available to them. In many states, they can vote out the offending judges at reelection. They can impeach the judges; they can amend state statutes and constitutions. It may be difficult to accomplish these things, of course, but they are not even theoretical possibilities when a federal court moves against a state. A state is practically powerless in such situations.

In the normal course of things, it's not the federal government's concern when a state court runs amok. When a federal court wrongly diminishes state autonomy, however, a branch of the federal government is acting as a rogue agent and should be restrained by the other branches. It is worth noting that the state courts are as riotous as they are because the legal culture has been influenced by decades of federal-court usurpations unchecked by any effective political response. Perhaps the Akin bill or something like it would inspire similar efforts at the state level.

■

**Hamilton points to an enduring truth about
judicial overreach: Its continuation depends
on the acquiescence of the other branches.**

■

Another argument against limiting the jurisdiction of the federal courts merits serious consideration. It is that it would set a dangerous precedent. Congress would soon start passing bills to undo sound judicial decisions merely because they are unpopular with the public or with congressmen. Of course, any power can be abused. But the present system—in which it is easy for federal judges to amend the Constitution by fiat, but difficult for their amendments to be undone—is far more open to abuse than one that checks the judges would be.

Hamilton famously remarked that the judiciary is “the least dangerous” branch of the federal government because it has “no influence over either the sword or the purse.” These words are often cited ruefully by conservatives, who think that Hamilton underestimated the dangers the federal judiciary could pose. But those words point to an enduring truth about judicial overreach: Its continuation depends on the acquiescence of the other branches.

Under our Constitution, self-government is not merely an option; it is an obligation. Passive acquiescence in judicial rule—a failure to resist it—does not legitimize it. The Congress is full of politicians who have been reciting the Pledge of Allegiance. But they take an oath to defend the Constitution, too. If they look, they will find in it the means for its reclamation.

NR

Getting Smart

Three steps toward a more intelligent intelligence community

MARK RIEBLING

AFTER spending three months loudly berating the intelligence community about 9/11, Congress has quietly decided to postpone any reforms until September. The most pressing and least settled issues on the national-security agenda will therefore be debated—and perhaps decided—on the eve of midterm elections. In that politically charged climate, the temptation for lawmakers to grandstand on intelligence will be great—probably greater than at any time since the 1970s, when Democratic senator Frank Church of Idaho, looking toward a presidential bid, excoriated and eviscerated the CIA.

This time, however, the political dynamic may redound to the public good. The knock against our spies now is not that they're “rogue elephants,” but rather that they're desk mice. Given this new atmosphere, it's expected that some of the worst of the Church restraints—constitutionally needless limits on surveillance and covert action—will be loosened.

Yet undoing Church will not, of itself, cure our intelligence dysfunction. Our spy system is, in fact, plagued by three longstanding problems, which the Church measures exacerbated but did not create. These interlocking disorders should be addressed, over the short, medium, and long term, by a three-step plan.

First, in the near term, the U.S. must rehabilitate its *counterintelligence*—a vulnerability that has been virtually ignored during the reform debate. “CI,” as it's known in the spy trade, disrupts the intelligence work of other nations and encourages allied spy agencies to share their secrets with us. Contrary to public perceptions, successful spying hinges less on Le Carré-esque betrayals than on cultivating international cooperation; during World War II, according to one government report, some 85 percent of our strategic intelligence came from the British. Yet liaison of this kind is always difficult work, the perennial cause—as former CIA counterintelligence officer William R. Johnson has written—of “peptic ulcers, high blood pressure, anxiety, depression, paranoid behavior, and bad dreams in CI executives.”

Only a reputation for good CI on our end will make other services confident that they can share information with us without putting their sources at risk. During most of the Cold War, the CIA's foreign liaison was managed by the counterintelligence staff, under James Jesus Angleton; and though Angleton was later demonized for his relentless mole-hunts, friendly services *liked* the fact that he was always hunting. On his watch, liaison—with the British and Israelis in particular—was unprecedentedly close.

Mr. Riebling is the author of *Wedge: The Secret War Between the FBI and CIA*, and he edits secretpolicy.com.

In 1973, alas, Angleton's suspicions about the sincerity of Soviet détente provoked the wrath of CIA director William Colby. In a power play designed to depose Angleton, Colby decentralized, and effectively destroyed, CI. The counterintelligence staff once vetted sources and controlled access to files; it was now to serve only an "advisory" function. Case officers would be allowed to assess the bona fides of their own agents; and to ensure that each case officer knew "enough" to assess his recruitments, the CIA's files would be decompartmentalized. For the past three decades, in other words, the spy world's equivalent of virus-protection software has been turned off.

The results have been catastrophic. Though no spies are known to have penetrated the CIA on Angleton's watch, our major spy agencies have since been riddled with moles: Hanssen, Montes, Ames. And as agencies rush to hire translators and analysts of foreign background, our vulnerability to espionage will only increase.

DISASTER IN THE MAKING

There are already signs of penetration among handlers of counterterrorist wiretaps. Sibel Edmonds, a former translator in the FBI's Washington field office, has raised suspicions about a coworker's connections to Middle Eastern persons whose intercepted conversations the Bureau was translating. "Investigations are being compromised," Edmonds wrote the FBI inspector general in March. The Bureau has confirmed to the *Washington Post* that Edmonds's coworker had "unreported contacts" with a foreign official targeted by the taps.

The functions of law enforcement and intelligence have been smashed together, and each has been turned to purposes for which it was not designed.

Clearly, until we fix our CI system, foreign spy services will have good reason to hold out on us. And that will have disastrous consequences, because we are relying increasingly on such liaison for access to cultures in which Americans can't discreetly operate. As former CIA director Robert Gates has put it: "You need a guy walking into Tripoli or Pyongyang who doesn't look like he just left Iowa."

Wholesale reform in CI must be undertaken now—and it can be: Recentralization, a return to the Angleton model, could be mandated by an executive decision. The draft text of just such an order was prepared by Reagan staffers in March 1981; Bush staffers should use it as a model.

Such a measure would not bear full fruit, however, without broader bureaucratic reform. "Counterintelligence," Angleton himself once said, "is only as good as relations between the CIA and FBI." This is true of counterterrorism also, and it points to the next necessary reform: *insisting on more effective teamwork between the CIA and the FBI.*

This problem is far older than the recent bumbles. In 1948,

Republican presidential nominee Thomas Dewey made FBI–CIA rivalry an issue in his campaign. Since then there have been no fewer than twelve White House initiatives to defuse the interagency conflict. All have failed, because they've been based on the bad idea of melding law enforcement and intelligence.

"Intelligence and law enforcement," British spy Ian Fleming wrote in a June 1941 memo, "simply do not mix." The two functions proceed from opposite and irreconcilable imperatives. Intelligence takes pains to protect sources; law enforcement uses sources to convict criminals in public. Secret intelligence goes on offense to stifle nascent threats; law-enforcement agents react to crimes that have already occurred. In Britain, these dual purposes are effectively detangled: Domestic intelligence (MI5) is separate from criminal investigation (Scotland Yard). But in the U.S. the functions have been smashed together, and each has been turned to purposes for which it was not designed. The bad results could fill a book.

The Bush administration is continuing to enforce this unnatural union, and demanding of cops that they be spies. The Homeland Security Plan states unequivocally: "The Department of Justice, and the FBI, will remain the lead law enforcement agencies for preventing terrorist attacks." Attorney general John Ashcroft has given the FBI a "new mission of preventing future terrorist activities." But a new mission does not, in itself, provide the new tools and methods necessary to fulfill the mission. To have obtained and interpreted the leads that could have helped prevent 9/11—to have searched Zacarias Moussaoui's laptop computer, and connected its contents with clues from other sources—the FBI would have had to be a radically different outfit. It would have had to be a domestic spy agency, like Britain's MI5.

Terrorism is secret warfare, and it must be countered by a corps of secret warriors. Accordingly, the FBI's secret intelligence work should be severed from its public law-enforcement functions. Instead of being absorbed by the new Homeland Security agency, all internal-intelligence officers should be spun off into a new agency with spy powers but no law-enforcement mandate. The result would be a British-style system, in which criminal investigation would be handled by the national police (FBI), foreign intelligence would be managed by a foreign-spying unit (CIA), and internal security would be done by a domestic-espionage agency (the new unit). Sen. Bob Graham, chairman of the Senate Intelligence Committee, has already suggested splitting law enforcement and domestic intelligence into two agencies; so have others, including Newt Gingrich. The Bush administration should get on board.

Creation of a domestic spy unit, however, would be only a medium-term fix. The third reform we should undertake—the most long-term measure of the three—is *junking the distinction between domestic and foreign intelligence*. As money, technology, information, and people cross borders with increasing ease, attempts to distinguish foreign- from domestic-based threats make progressively less sense. The 9/11 hijackers lived in Florida but were supported from Germany, and met contacts in the Czech Republic and Spain. Was their conspiracy, then, a domestic or a foreign phenomenon? The impossibility of answering that question coherently shows the bankruptcy of the paradigm.

ENEMIES FOREIGN AND DOMESTIC

We have to revise our thinking about what national security is, how it is threatened, and how we must organize our defense. (Here again, the British are ahead of us: Conservative leader Iain Duncan Smith has criticized prime minister Tony Blair for attempting to distinguish between domestic and foreign terror threats.) In the U.S., there's an urgent need for the CIA to engage in domestic intelligence. The agency needs a clear mandate, for instance, to cooperate with and train urban police: Though terrorism cannot be treated primarily as a criminal matter, it's vital that local law-enforcement officers be trained to contribute any intelligence byproduct of their beat work. The CIA also needs authority to stay in "hot pursuit" when overseas suspects cross into the U.S. The National Security Act should be amended to let the CIA work within our borders—in specific cases, against defined threats, under presidential findings, akin to those that provide authority and oversight for covert operations overseas.

We also have to ask: If the old, geographically based model of intelligence work is obsolete, what should replace it? Should we eventually combine the CIA and our domestic spy agency into a single unit, with one chief—and thus no need to share information, no turf battles, no bureaucratic rivalry? Gregory F. Treverton, former vice chairman of the National Intelligence Council and now a senior policy analyst at RAND, is already proposing something along these lines. President Bush should, at a minimum, appoint a commission to examine the issues involved in de-provincializing spy work, and have it report to him before the end of his term.

There will be objections to the idea of domestic spying; protest will become more and more vocal as the rules of engagement within our borders come to mirror those in the wider world. The entire enterprise of domestic spying, it will be argued, runs counter to the American idea. Wasn't the CIA, for this very reason, denied all "internal security" functions? Shouldn't we fear erasure of the bright boundary between the Machiavellian methods we sanction overseas, and the Madisonian scruples that must constrain surveillance at home?

To treat these questions fully would require a Lockean treatise on secret government. We do not have one. But we do have history, and our Constitution, and neither requires us to draw the lines we do. Neither our Founders nor our 19th-century presidents ran covert actions cartographically; nor does the experience of European democracies suggest that internal spying breeds dictatorship; nor has the Supreme Court ever ruled unconstitutional the domestic surveillance of suspected foreign agents; nor does the Constitution anywhere mandate that intelligence jurisdictions conform to the shapes of oceans, rather than to the judgments of men.

Politics does compel consideration of the popular will, and firm action will not be uncontroversial. But this autumn may well offer an historic opportunity for rational, responsible change. If Congress and the president choose not to seize it—and if the innocent are once more butchered en masse—the pressures for less appropriate severities, for detention camps and mass deportations, will be far more difficult to deny.

NR

Too Many

Looking today's immigration in the face

STEVEN CAMAROTA

WHEN the history of the 1990s is written, the most important story may not be the GOP takeover of Congress, the boom economy, or the Clinton impeachment. The big story may be the decade's unprecedented level of immigration: a social phenomenon of enormous significance, affecting everything from the nation's schools to the political balance between the two parties.

Newly released census figures show that the foreign-born population reached 31.1 million in 2000 (including some 7 to 8 million here illegally). This is by far the largest immigrant population in U.S. history, and represents a 57 percent increase from 1990. The rate of increase is itself unprecedented: Even during the great wave of immigration from 1900 to 1910, the foreign-born population grew by only about 31 percent (from roughly 10 million to 13.5 million). Over the past 30 years, the number of immigrants in the U.S. has tripled. If current trends are allowed to continue, the foreign-born share of the population will in fact pass the all-time high by the end of this decade.

Many defenders of high immigration argue that the current immigration is not really unusual, because although the numbers and growth are without precedent, the total U.S. population was smaller 100 years ago and immigrants constituted a larger share of the total. It is true that the 11.1 percent of the nation's population that is foreign-born today is lower than the all-time high of nearly 15 percent reached in 1910. But one may ask why 1910 should be the benchmark by which to judge today's immigration. In evaluating its effect on modern society, it seems more reasonable to compare today's immigration with that of the more recent past. And in that context, today's figures represent a fundamental break with prior decades: From 1940 to 1990, the foreign-born population averaged less than 7 percent, and as recently as 1970 it was less than 5 percent.

The implications for American society are enormous. For example, a good deal of attention has been given to the fact that the number of people who live in poverty did not decline in the 1990s, despite a strong economy. What has generally not been reported is that new immigrants and their U.S.-born children accounted for the nation's stubborn poverty rate. The primary reason so many immigrant families live in poverty is that a large percentage have very little education. Newly arrived adult immigrants, for example, are more than three times as likely as natives to lack a high-school education.

Immigrants and their children also account for nearly two-

Mr. Camarota is director of research at the Center for Immigration Studies in Washington, D.C.

thirds of the increase in the population lacking health insurance over the last decade. By dramatically increasing the uninsured population, immigration creates significant costs for taxpayers, and it drives up costs for insured Americans as providers pass along the costs of treating the uninsured to paying customers. The central role immigration has played in creating the nation's health-insurance quandary has largely gone unreported.

The impact on public schools is even more significant. In the last 20 years the school-age population has grown by roughly 8 million. Most observers agree that this increase has strained resources in districts across the country. What most media accounts of this growth leave out is that census data indicate that there are about 8 million school-age children from immigrant families—and, because they are much poorer on average than natives, this increase in enrollment has not been accompanied by a corresponding increase in local tax revenue. Moreover, because of language barriers, the children of immigrants often cost significantly more to educate than those of natives. Most news coverage of the issue discusses how to meet the needs of these children, but fails to point out that federal immigration policy created the problem in the first place.

MELTING POT OR BOILING CAULDRON?

Despite the clear implications mass immigration has for the future of American society, many boosters still argue that today's immigration is very much like that of 1910. No doubt, there are similarities, but the differences are profound and striking to even the casual observer. America is a fundamentally different place than it was 100 years ago, and today's immigration is also very different.

As far as assimilation is concerned, numbers matter at least as much as percentages. For example, a quarter of a million immigrants in a metropolitan area are enough to create linguistic isolation: neighborhoods where immigrants can live and work without ever learning much English. Large numbers also create politically influential ethnic organizations whose leaders often adhere to an anti-assimilation multicultural ideology. Whether the immigrants in question represent 10 percent or 30 percent of a city's population is not so important; it's the raw numbers that count, and the numbers are already well over twice what they were in 1910.

In one sense, today's immigrants are more diverse than ever before, in that significant numbers arrive from all continents and races. But in a more important sense, today's immigration wave is considerably less diverse than those of the past, because Spanish speakers dominate in a way no other group ever did before. While German speakers accounted for a little over a quarter of all immigrants in the late 1800s and Italians for about one-fifth in the first decades of the 1900s, such concentrations were transitory. In contrast, the domination of immigrants from Latin America has grown steadily. In 1970, 19 percent of the foreign-born were from Latin America; by 2000, it was more than half. One ethno-linguistic group can now predominate in schools, neighborhoods, entire metropolitan areas, and even whole states.

One institution that helped immigrants and their children acquire an American identity in the past was public education. Schools brought children from different immigrant backgrounds into contact with natives and helped to forge a common American culture. But today, basic demographics makes this much more difficult. Unlike in the past, immigrants now have many more children on average than natives, which means kids from immigrant families very quickly predominate in public schools. For example, although about a quarter of California's total population is foreign-born, half of the school-age population is from immigrant families. In many districts in high-immigration states, immigrant families now account for more than 80 percent of school kids.

Of course, neighborhood schools in 1910 saw heavy immigrant concentrations. But because of the large differences in fertility rates, immigration today creates many more districts in which the cultural norms are set by children from immigrant families, who have relatively little contact with their counterparts from native families.

Immigration provides further justification for multiculturalism by creating an ever larger aggrieved class.

There is, of course, another problem with expecting public schools to play the role they did in the past of assimilating immigrants: Schools don't want to. A very significant share of the U.S. elite has embraced the anti-assimilation ethos, which regards America as a collection of peoples, each with its own distinct culture, which vie for political power as groups. America's educational establishment has embraced this multicultural vision. This is why history textbooks look as they do, and why bilingual education remains widely popular among educators. This trend shows no signs of abating; in fact, the growing number of immigrants only feeds the multiculturalist perspective. Immigration provides further justification for it by creating an ever larger aggrieved class, whose cultures must be preserved in the face of an oppressive majority culture.

Of course, some form of assimilation does take place, even in the modern public school. While language acquisition almost certainly has slowed in recent years, most immigrants learn to speak at least some English. But assimilation is much more than learning to speak English, or driving on the right side of the road. It involves what John Fonte of the Hudson Institute calls "patriotic assimilation," the belief that American history is one's own history. A century ago it meant that immigrants and their children came to see America's past as something "we" did, not something "they"—white people of European ancestry—did. To the extent that immigrants are assimilating they are doing so, in many cases, as "multicultural" Americans.

Some conservatives, and even some liberals, have a different conception of assimilation, but it is not at all clear that

those who wish to see a more robust love of country inculcated in our children (immigrant or native) are winning the debate. It simply makes no sense, therefore, for a society that cannot agree on its own history or even what it means to be an American to welcome over a million newcomers each year from outside.

Technology is another obstacle to assimilation. It is now possible to call—or even to visit—one's home country with a frequency that was inconceivable even 50 years ago. One can listen to a hometown radio station or read the local newspapers on the Internet. The costs of travel and communication are now so low that many wealthier immigrants can live in two countries at the same time, traveling back and forth with ease. In such a world, it is less likely that immigrants will develop a deep attachment to the U.S.

THE ECONOMIC BARRIER

The American economy is also fundamentally different, with serious consequences for the assimilation process. A century ago, manufacturing, mining, and agriculture employed the vast majority of the workforce, creating plentiful work for unskilled immigrants. These jobs eventually led to solid working-class incomes for immigrants and their children. (In fact, most native-born Americans a century ago worked in the same kinds of jobs.) Though most people were poor by today's standards, most historians agree that there was not a very large economic gap between the standard of living of natives and that of immigrants; this was because, on average, immigrants were not that much less skilled than natives. Data are limited, but in terms of years of schooling or literacy, immigrants 100 years ago were roughly equal to natives.

This is no longer the case. While a number of today's immigrants are quite skilled, immigrants overall are significantly less educated than natives. As a result, when it comes to average income, poverty rates, welfare use, and other measures of economic well-being, today's immigrants are much worse off than natives. Unlike that of 1910, today's U.S. economy offers very limited opportunity for those with little education, and this creates a very sizable gap between the two groups.

Another important change since 1910 is the profound expansion in the size and scope of government. Spending on everything from education to infrastructure maintenance is many times greater than it was back then. With federal, state, and local government now eating up roughly one-third of GDP, the average individual must be able to pay a good deal in taxes to cover his use of public services. In practice, the middle and upper classes pay most of the taxes; the poor, immigrant or native, generally consume significantly more in public services than they pay in taxes.

This means that the arrival of large numbers of relatively poor immigrants has a significant negative effect on public coffers in a way that was not the case in the past. In 1997 the National Academy of Sciences estimated that immigrant households consumed between \$11 and \$20 billion more in public services than they were paying in taxes each year. (Other estimates have found this deficit to be even higher.) A smaller government may well be desirable, but it is politi-

cally inconceivable that we would ever return to the situation of 100 years ago, when government accounted for a tiny fraction of the economy. Thus, continually allowing in large numbers of unskilled immigrants has very negative implications for taxpayers.

The situation of today's immigrants is, then, dramatically different from what it was at the turn of the last century. But even if one ignores all these differences, one undeniable fact remains: The last great wave of immigration was stopped, as an act of government policy. World War I, followed by restrictive legislation in the early 1920s, dramatically reduced immigration to about a quarter of what it had been in previous decades. This immigration pause played a critically important role in turning yesterday's immigrants into Americans. So if the past is to be our guide, then we should significantly reduce immigration numbers.

If we don't, the assimilation problem will only get worse. We know from experience that it is often the children of immigrants who have the greatest difficulty identifying with America. While their parents at least know how good they have it, the children tend to compare their situation to that of other Americans, instead of that in their parents' homeland. Unless the gap between themselves and other Americans has been closed in just one generation, something few groups have been able to accomplish, this can be a source of real discontent. Moreover, it is children born in the U.S. to immigrant parents who often feel caught between two worlds and struggle with their identity.

■

**If we don't significantly reduce
immigration numbers, the assimilation
problem will only get worse.**

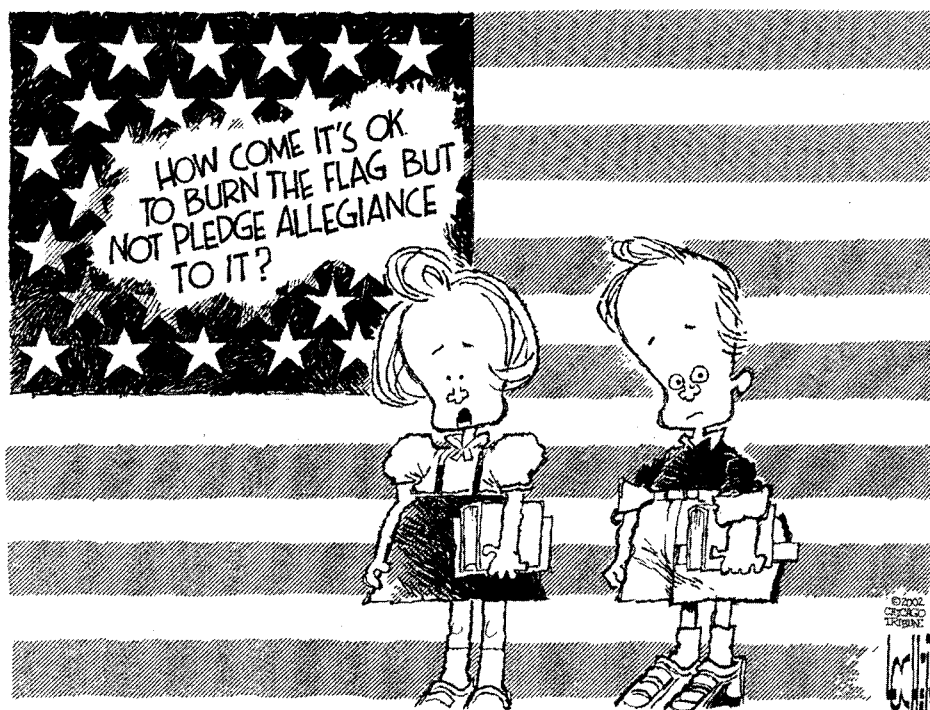
■

What we should do is call a halt to the current heedless increase in annual immigration, and reduce the numbers to something like their historical average of 300,000 a year. In the mid 1990s, the bipartisan immigration-reform panel headed by the late Barbara Jordan suggested limiting family immigration to the spouses and minor children of U.S. citizens and legal non-citizens, and to the parents of citizens. However, we should probably eliminate the preferences for the spouses and minor children of non-citizens, since these provisions apply to family members acquired after the alien has received a green card but before he has become a citizen. If we also eliminated the parents of U.S. citizens as a category, family immigration would fall to less than half what it is today. The Jordan panel also wisely suggested eliminating the visa lottery and tightening up the requirements for employment- and humanitarian-based immigration.

These changes would, taken together, reduce legal immigration to roughly 300,000 annually. Only if we get the numbers down to this reasonable level can we begin the long process of assimilating the huge number of immigrants and their children who are already here.

NR

HELLO



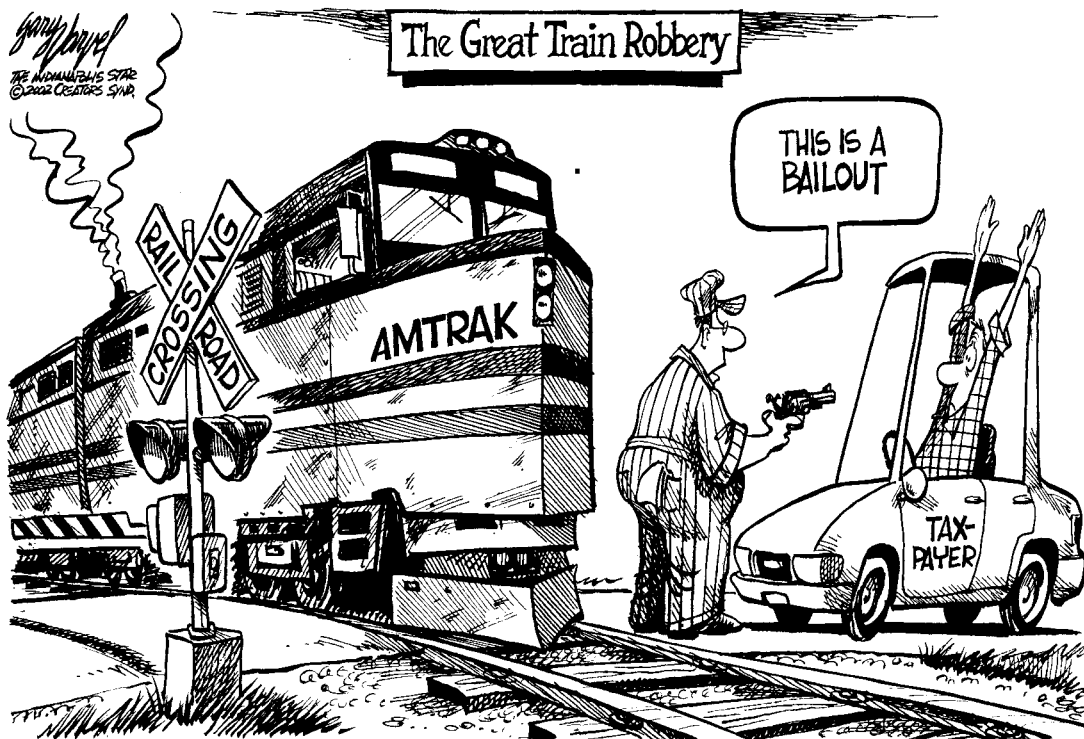
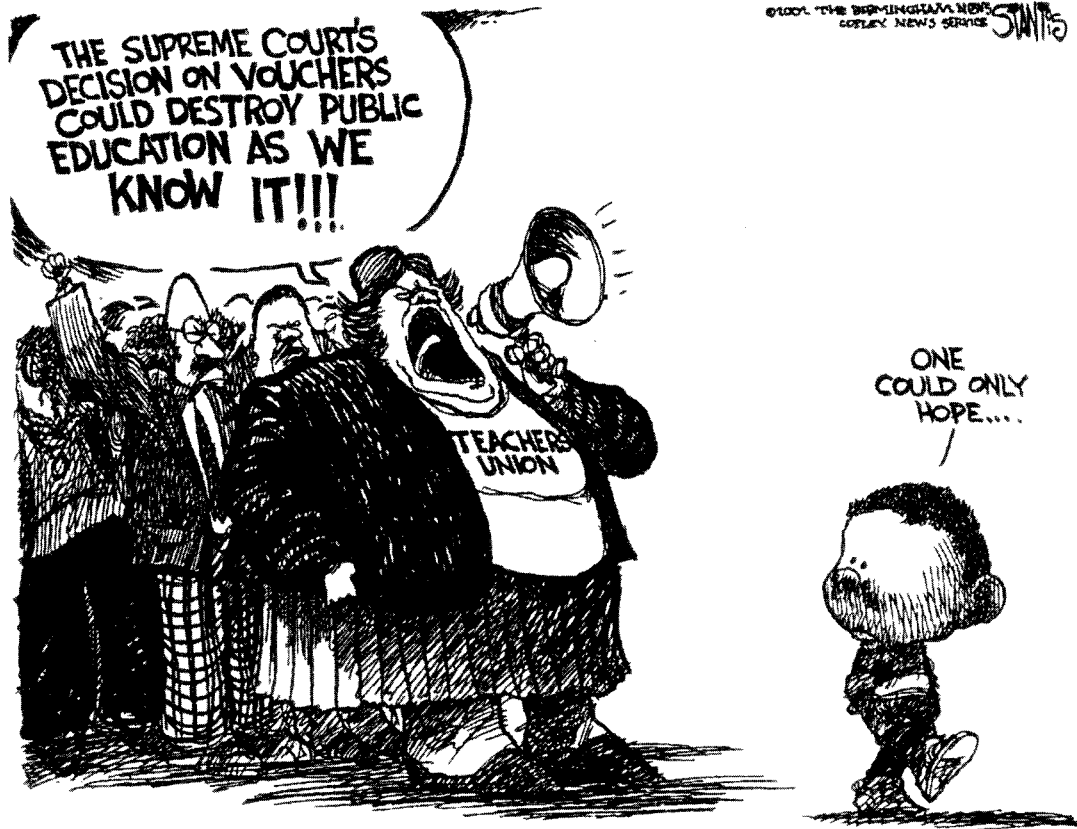
"It's a threatening letter from me—
I'm my own worst enemy."

GEN. MUSHARRAF FOREVER

*As, once again, we're treated to
Depressing signs of déjà vu,
Recalling Bonaparte when he—
Self-crowned in perpetuity—
Rained on the revolution; one
Detects in Pakistan a run
That lasts a few monsoons until
Another bum's king of the hill.*

—W. H. VON DREELE







By Rob Long

The New Financial-Reporting Ethics Takes Hold

SEATTLE, WA October 9, 2002 (AP) Cody and Jason Palandjian were arrested last night by agents of the FBI and charged with violations of the newly passed Federal Ethical Reporting Act. The two brothers, aged seven and nine, were allegedly placing small bits of aluminum foil into the Palandjian family microwave while their parents, Michelle and David, were on the second floor of their comfortable, spacious suburban home. Hearing loud popping noises followed by the delighted shrieks of her sons, Michelle Palandjian called downstairs to investigate. "Boys?" she reportedly asked in a loud tone of voice. "What on earth is going on down there?" After a suspiciously long silence, they both answered in unison, "Nothing." Minutes later, after all of the circuit breakers in the Palandjian's two-story Normandy-style home blew, David Palandjian placed a call to the local FBI office. "It was their 24-hour whistleblower hotline," the trim 42-year-old said. "I think the boys need a lesson in honest reporting, and as a father and an investor, I couldn't just let this pass." Cody and Jason Palandjian are scheduled to be arraigned next week. They are currently in the federal holding area for Financial Task Force detainees.

NEW YORK, NY February 17, 2003 (Newsday) Two investment bankers at the troubled JP Morgan Chase investment bank were arrested this morning in the culmination of a six-month sting operation, involving 45 agents of the Federal Truth in Reporting Task Force working in cooperation with the

NYPD, FBI, and investigators from the SEC Investigative Unit. Both were removed from their offices in shackles and mouthguards after each was overheard inflating the number of sexual partners and experiences he had allegedly enjoyed.

SCOTTSDALE, AZ November 12, 2002 (UPI) Mr. Forrest Blair, 62, a resident of the Whispering Mesa Estates area of Scottsdale, was arrested yesterday afternoon on the 18th green by agents of the Federal Financial Reporting Task Force. Agents report that Mr. Blair attempted to flee the scene when confronted with evidence of rampant score tampering. "He should have carded a 103, maybe a 104 for the round," Agent Frank Jones reported. "Instead, he shaved a few off of the early holes when no one was looking. He gave himself a 99." Agents report that they had been following Mr. Blair for most of the round. The entire operation took almost 24 agents in total—some disguised as a slow-playing foursome in front, some as a fast twosome behind, and some as hot-dog girls. Mr. Blair is in critical condition in Mesa Verde Hospital following an extremely low-speed golf-cart chase. He suffered a heart attack walking back to the clubhouse in leg irons. "Tampering with a score hurts all of us," Agent Jones said at a subsequent press conference, defending his aggressive techniques in apprehending Mr. Blair. "If the public loses confidence in a person's golf score, what's next? An artificial handicap? Mulligans? I mean, why have rules at all then?"

HINSDALE, IL October 23, 2002 (Tribune Features Syndicate) Joan S. Mullaney, 49, was executed this morning by lethal

injection, following her conviction and sentencing for reading her daughter's diary and then lying about it. In her last statement, Mrs. Mullaney defiantly defended her actions by saying that she was worried that her then 16-year-old daughter was "hanging around with the wrong crowd" and possibly "getting into drugs or whatever." It was just this lack of repentance for her false reporting that led the judge to hand down the harshest penalty afforded by the newly signed Federal Truth in Reporting Act.

BOSTON, MA December 21, 2002 (Reuters) Ms. Olivia Martin was convicted today of lying about her weight. Through heavy sobs, she told a packed courtroom of supporters and detractors that she was "very, very sorry" to have told her colleagues at work that she weighed only 135 pounds, when in fact her true weight was "closer to 142." The petite former systems analyst for a large Boston-area pharmaceutical company has been in federal custody since late August, after an anonymous phone call to the Ethical Reporting Task Force identified her as a "chronic numbers fudger." The trial has been something of a controversy in this area, as local residents have been divided in pro-Martin and anti-Martin camps. The pro-Martin camp—made up mostly of thin, attractive people—have argued that her form of dishonesty, while serious, does not merit the rancor and bitterness it has inspired. The anti-Martin camp—made up mostly of the clinically obese—have argued that it is just such false reporting that has led to an unrealistic cultural attitude towards weight. "When she sashays around saying how she's only 135," argued Mary Jane Lowonsky, spokeswoman for the anti-Martin forces, "she makes those of us who are 207 or 210 feel really, really fat. But if she's, like, 142, well, you know, that's a lot better." When asked about the penalty phase of the trial, Miss Lowonsky was blunt: "I don't think they should fry her. I think they should deep-fry her."

BOOKS, ARTS & MANNERS

Six-Day Odyssey

JOHN PODHORETZ

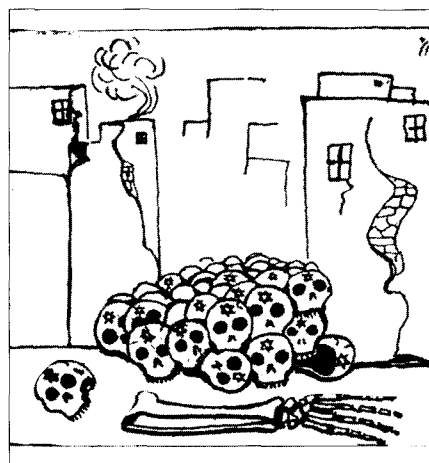
Six Days of War: June 1967 and the Making of the Modern Middle East, by Michael B. Oren (Oxford, 446 pp., \$30)

GUESS who spoke these words, and when: "The United States is the enemy. The United States is the hostile force behind Israel. The United States, O Arabs, is the enemy of all peoples, the killer of life, the shedder of blood, that is preventing you from liquidating Israel."

There is only one possible choice: Osama bin Laden, of course. The hatred of America, the anti-Semitic rage at Israel, and the hortatory purple rhetoric are all typical of bin Laden's videotaped rants. But bin Laden was actually ten years old when this speech was recited by an anonymous broadcaster on an Egyptian radio station called Voice of the Arabs.

The date was June 5, 1967. Only hours earlier, the Israeli air force had staged a preemptive strike against the Egyptian air force—destroying most of that nation's planes, anti-aircraft weapons, and stationary missiles in 90 minutes. And yet, as Michael B. Oren relates in his masterful and thrilling new history, *Six Days of War*, "Egypt's propaganda organs, radio and press, continued to boast of extraordinary victories, while according to Jordanian communiqués, Israeli forces had been repulsed . . . and thirty-one Israeli planes shot down."

This was neither wishful thinking nor mere propaganda. The problem in Cairo was that nobody dared speak the truth



An Arab cartoonist's wish for the 1967 war

about what had happened. It was not until 4 P.M. that day—a full seven hours after the decimation—that Gamel Abdel Nasser, Egypt's dictator, was given an honest accounting. By this point, Egypt's field marshal (who was Nasser's oldest friend) was "either drunk or drugged or both" and issuing insanely contradictory orders. The defense minister, meanwhile, "had a bed moved into his office, then sequestered himself inside." He would take no phone calls, nor would he respond to the knocks of his subordinates.

The night before, these same leaders had been convinced that Egypt was about to be engulfed in war; and so they swung into action. One general took "a vacation in Isma'iliya." The field marshal who would be drunk or drugged the next day was attending "an all-night party in Cairo." Another top military man was at his daughter's wedding.

"The commander of the front wasn't in place and the army's commander wasn't in place, and neither were their subordinates," Oren quotes the chief of the Egyptian air force as saying. "It was the first war of its kind, where all the commanders were far from their commands." The Six Day War occurred almost entirely because Nasser forced it to happen, by imposing a blockade on the Straits of Tiran in the spring of 1967—and yet Egypt was entirely unprepared for the war when it actually began.

A vast military force was placed near

Israel in the Sinai and Gaza, but the deployment of men and matériel had neither design nor overarching plan. This bungle helped turn the first day of the war into what U.S. national security adviser Walt Rostow would call a "turkey shoot."

The story of Egypt's overwhelming defeat at the hands of a country one-tenth its size in population and landmass would be comic if the devastation had not been so profound. In 132 hours, Egypt's casualties would number more than 20,000 dead, wounded, and missing. Israel held an additional 5,000 Egyptian prisoners when all hostilities ceased.

Oren notes that "all but 15 percent of Egypt's military hardware, \$2 billion worth, was destroyed, and vast stores—320 tanks, 480 guns, 2 SAM missile batteries, and 10,000 vehicles—became Israeli booty." Egypt lost the Sinai Peninsula and the Gaza Strip.

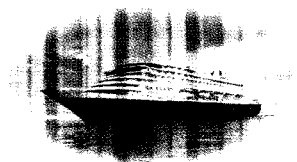
Oren's beautifully modulated account of the war, which is drawn from the historical archives of four countries, offers an implicit explanation of the inability or refusal of the U.S. and other Western countries to take Osama bin Laden all that seriously before September 11. Experts in foreign policy and the Middle East had heard it all before from Nasser. They knew that the West had taken Nasser far too seriously, so how seriously could they take a Nasser wannabe like bin Laden?

Indeed, bin Laden has a great deal in common with Nasser (save for the very important fact that the Egyptian tyrant was a defiantly secular figure). The spell-binding and demagogic Nasser was a revolutionary leader who believed in pan-Arab consciousness and a direct confrontation with the West. He believed his mission was to rule over a Middle Eastern nation composed of Arab populations from Africa into Asia. Similarly, bin Laden believes in pan-Muslim consciousness and believes his

BooksNow

To order these books, (24hrs, 365 days)
please call (800) 962-6651 (Ext. 3700)
or visit us at <http://www.booksnow.com>

Mr. Podhoretz is a columnist for the *New York Post* and *National Review Online* and a contributing editor of *The Weekly Standard*.



THE NATIONAL REVIEW 2002 POST-ELECTION MEXICO CRUISE

Sailing November 16–23 aboard Holland America's ms *Ryndam* with

KENNETH STARR, MILTON FRIEDMAN, WILLIAM F. BUCKLEY JR, ARTHUR LAFFER, KATE O'BEIRNE, RICH LOWRY, CAL THOMAS, KELLYANNE CONWAY, JAY NORDLINGER, DINESH D'SOUZA, RAMESH PONNURU; TOM DELAY AND DAN QUAYLE ALSO EXPECTED!

Here's your special opportunity to take part in one of the most exciting seafaring adventures you will ever experience: the **National Review 2002 Post-Election Mexico Cruise**. Featuring an incredible cast of conservative celebrity speakers—and extremely affordable accommodations—this special trip will take place November 16–23, 2002, aboard Holland America Line's stunning ms *Ryndam*.

This is a *unique* opportunity to meet America's most preeminent conservative celebrities: "Definites" for this special voyage are Judge **Kenneth Starr**, economists **Milton Friedman** and **Arthur Laffer**, columnist **Cal Thomas**, author **Dinesh D'Souza**, and ace pollster **Kellyanne Conway**. They'll be joining NR founder **William F. Buckley Jr.**, Editor **Rich Lowry**, Washington Editor **Kate O'Beirne**, Senior Editor **Ramesh Ponnuru**, and Managing Editor **Jay Nordlinger** for a relaxing week of political shop-talk, conservative revelry, and world-class cruising.

Also "strongly interested" in joining the hundreds of NR readers who'll take our trip to the sun-drenched Sea of Cortez are former Vice President **Dan Quayle** and House Majority Whip **Tom DeLay**. Without question, that's an *incredible* line-up.

Not only will our Mexico sojourn feature a spectacular speaker ensembles—it will also be the most affordable NR voyage ever (this will be our 12th!). If you've never been on an NR cruise make this your *first*: Prices start at an *incredibly* low \$1,999!

An NR cruise is your chance to meet and intimately discuss politics and policy with some of the true giants of conservative affairs. Our exciting seminars—we've scheduled five panel sessions on our Mexico sojourn—allow for ample audience "Q & A," providing a scintillating take on current events. Imagine:

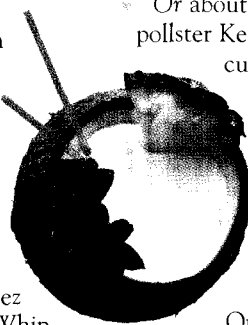
Where does one even begin to ask Ken Starr questions?!

Who better than renowned Nobel Prize-winning economist Milton Friedman and Arthur Laffer—the man behind that most famous of curves—to discuss America's fiscal health?!

• Can you get better insight on the Bush administration and the prosecution of the War on Terrorism than from Dan Quayle?!

• Or about what's *really* happening on Capitol Hill than from Tom DeLay?!

• Or about the public's mood on major issues than from ace pollster Kellyanne Fitzpatrick?!—or better analysis on America's culture conflicts than from columnist Cal Thomas or author Dinesh D'Souza?!



These conservative giants will be joined in political elucidating and sharp-shooting by NR's editorial heavyweights, led by William F. Buckley Jr., who will be ably assisted by Rich Lowry, Kate O'Beirne, Ramesh Ponnuru, and Jay Nordlinger.

On top of the exclusive "extras" NR offers—seminars and social events (we'll have three cocktail receptions and two late-night poolside "smokers" featuring **H. Upmann** cigars), and intimate dining with speakers—is a *great* cruise on a *great* ship. The *Ryndam* is one of the more beloved vessels of Holland America Line (which readers of *Travel & Leisure* last year voted the world's Highest-Rated Premium Cruise Line!).

On the **National Review 2002 Post-Election Mexico Cruise** you'll find the *Ryndam's* accommodations (elegant staterooms and glamorous public spaces teeming with antiques) to be truly luxurious, and matched by the indulgent, courteous staff, superior cuisine, and top-notch entertainment and excursions.

A FANTASTIC WEEK OF FUN, SUN, AND CONSERVATIVE REVELRY

DAY/DATE	PORT	ARRIVE	DEPART	SPECIAL EVENTS
Sat/Nov. 16	San Diego		6:00PM	
Sun/Nov. 17	AT SEA			afternoon seminar evening cocktail reception
Mon/Nov. 18	AT SEA			morning/afternoon seminars late-night poolside smoker
Tues/Nov. 19	Loreto	7:00AM	5:00PM	
Wed/Nov. 20	Pichilingue/La Paz	8:00AM	6:00PM	evening cocktail reception
Thur/Nov. 21	Cabo San Lucas	7:00AM	4:00PM	afternoon seminar late-night smoker
Fri/Nov. 22	AT SEA			afternoon seminar evening cocktail reception
Sat/Nov. 23	San Diego	8:00AM		



OVER 185 CABINS RESERVED ALREADY! DON'T DELAY! BOOK TODAY!
SPECTACULAR STATEROOMS STARTING AT ONLY \$1,999 P/P

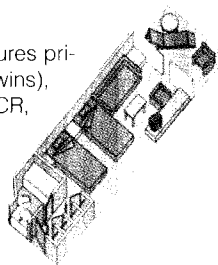
Travel experts agree: Holland America Line offers high-valued premium cruising. Superior service, gourmet cuisine, elegant accommodations, and great entertainment await you on the beautiful *Ryndam*. Prices are per-person, based on double occupancy, and include port fees, taxes, gratuities, transfers (for those booking airfare through HAL), all meals, entertainment, and admittance to and participation in all *National Review* functions. Rates for third/fourth person in cabin: \$1,199 p/p for ages 2 and older, \$752 p/p for children younger than 2.

SUITE Luxury quarters (563 sq. ft.) features private verandah, king-size bed (convertible to 2 twin beds), whirlpool bath/shower, floor-to-ceiling windows, dressing room, large sitting area, sofa bed, VCR, mini-bar, refrigerator, concierge service, complimentary personalized stationery, hors d'oeuvres, dry cleaning, and more, plus special disembarkation privileges.



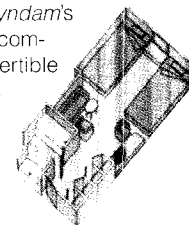
Category S
DOUBLE OCCUPANCY RATE: \$ 3,599 P/P
SINGLE OCCUPANCY RATE: \$ 5,999

MINI SUITE Large stateroom (284 sq. ft.) features private verandah, king-size bed (convertible to 2 twins), sofa bed, whirlpool bath/shower, sitting area, VCR, mini-bar, refrigerator, floor-to-ceiling windows.



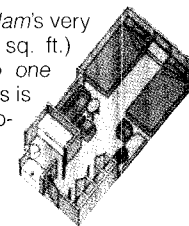
Categories A and B
"A" DOUBLE OCCUPANCY RATE: \$ 2,999 P/P
"A" SINGLE OCCUPANCY RATE: \$ 4,599
"B" DOUBLE OCCUPANCY RATE: \$ 2,899 P/P
"B" SINGLE OCCUPANCY RATE: \$ 4,299

LARGE OUTSIDE STATEROOM The *Ryndam*'s large "Outside Staterooms" (197 sq. ft.) are comfortable and feature a queen-size bed (convertible to 2 twin beds), a large picture window, plus bath/shower combination.



Category D
DOUBLE OCCUPANCY RATE: \$ 2,499 P/P
SINGLE OCCUPANCY RATE: \$ 2,999

LARGE INSIDE STATEROOM The *Ryndam*'s very accommodating "Inside Staterooms," (182 sq. ft.) offer 2 twin beds that are convertible to one queen-size bed, plus a bath with shower. This is a very affordable category designed to provide you with maximum comfort.



Category K
DOUBLE OCCUPANCY RATE: \$ 1,999 P/P
SINGLE OCCUPANCY RATE: \$ 2,599

You'll want to join us for the exciting political discussions, the luxurious cruise experience, and the rest and relaxation you so richly deserve. And for the remarkable destinations. The *National Review* 2002 Post-Election Mexico Cruise will feature a balmy itinerary, starting in San Diego and—over seven glorious days around the "Baja California Sur"—visiting beautiful **Loreto, La Paz** (and nearby **Pichilingue**) and **Cabo San Lucas** (plus scenic cruising of "Sierra de la Giganta"). Here are some port highlights:

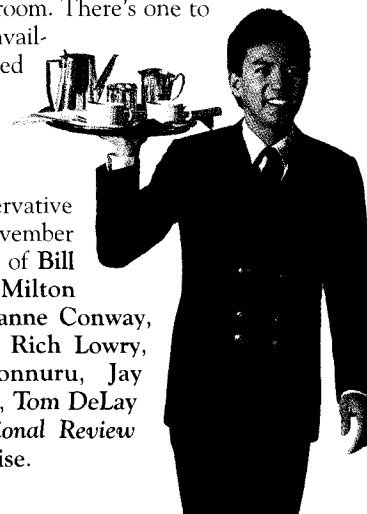
LORETO: *Frommer's Mexico* 2002 guide puts it best: Loreto "is a rare gem that sparkles under the desert sky. Here, the purple hues of the Giganta Mountains meet the indigo waters of the Sea of Cortez, providing a spectacular backdrop of natural contrasts for the town's historical past." Site of the first mission in the Californias (Mision Nuestra Señora de Loreto and Museo de las Misiones are must-sees) and the first European settlement on the Baja, Loreto remains, says *Frommer's*, "the wonderfully funky fishing village and well-kept secret that it has been for decades."

LA PAZ/PICHILINGUE: "La Paz," says *Frommer's*, "means 'peace,' and the feeling seems to float on the ocean breezes" here. It "remains slow-paced and relaxed . . . an easy-going sophisticated city and the guardian of 'old Baja' atmosphere, with beautiful deserted beaches just minutes away that compliment the lively beach and malecón that fronts the town center." Best known from John Steinbeck's *The Pearl*, La Paz—a haven for kayaking, fishing, and diving (you can even swim with sea lions off Espíritu Santo and Los Islotes)—is "the undisputed adventure capital of Baja."

CABO SAN LUCAS: Once renowned for big-game fishing, Cabo San Lucas is now a mecca for golf (there are Jack Nicklaus- and Robert Trent Jones-designed courses here—we'll be setting up an exclusive NR outing for any wanna-duffers), kayaking, and superior "R&R"-ing on gorgeous beaches.

Over 185 cabins have been reserved, many by NR cruise "alumni" (they come back again and again because of the wonderful experiences our trips provide). Sign up today and join them for on what will be one of the best weeks you will ever enjoy. Just fill out the application form on the following page, and return it (by mail or fax) so you can secure your stateroom. There's one to fit everyone's taste and budget (available on a first come, first served basis). You'll also find pricing on Holland America's affordable "Fly Cruise" airfare program.

Take part in a truly special conservative event. Join us in Mexico this November on the *Ryndam*, in the company of **Bill Buckley, Kenneth Starr, Milton Friedman, Arthur Laffer, Kellyanne Conway, Cal Thomas, Dinesh D'Souza, Rich Lowry, Kate O'Beirne, Ramesh Ponnuru, Jay Nordlinger**, and, we're confident, **Tom DeLay** and **Dan Quayle**—on the *National Review* 2002 Post-Election Mexico Cruise.



National Review 2002 Post-Election Mexico Cruise Application

Mail to: National Review Cruise, The Cruise Authority, 1307 Powers Ferry Rd., Marietta, GA 30067-5409 or Fax to 770-916-1425

Please fill out application completely and mail with deposit check or fax with credit-card information. One application per cabin. If you want more than one cabin, make copies of this application. For questions call The Cruise Authority at 800-707-1634.

Personal

Shirt size (M/L/XL)
Name #1 (full legal name) + Nickname _____
Shirt size (M/L/XL)
Name #2 (full legal name) + Nickname _____
Names #3 & #4 (if taking others in your cabin) _____
Street Mailing Address _____
() _____
City _____ State _____ ZIP _____
Daytime Phone _____
Special Information (medical conditions, celebrating anniversary, etc.) _____

Payment

A deposit of \$700 per cabin is due with this application. Cabins and categories are available on a first come, first served basis. *Suites are limited!*

- ☐ My deposit of \$350 per person is included.
(Make checks payable to "National Review Cruise")

- ☐ Charge to: AmEx ☐ Visa ☐ MasterCard ☐ Discover

Expiration Date (Month) (Year)

Authorized Signature of Cardholder/Guest _____

Information and price quote on Cancellation Fee Waiver/Medical Insurance will accompany your statement. Cancellation Penalty Schedule follows (cancellations must be received in writing by the date indicated):

PRIOR to June 14, 2002	\$50 per person
June 14, 2002 to August 16, 2002	\$350 per person
AFTER August 16, 2002	100% of cruise/package 04/08/NR

Cruise

(All rates are per person, double occupancy, and include all port charges and taxes, all gratuities, meals, entertainment, and National Review activities. Cruise-only rates include all of above except airfare and transfers. Failure to appear for embarkation for any reason constitutes a cancellation subject to full penalties. Personal items not included.)

PLEASE CHECK ALL APPLICABLE BOXES!

I. CABIN CATEGORY (see list and prices on previous page)

First cabin category choice: _____ Second cabin category choice: _____

Bedding: Beds made up as ☐ Twin ☐ King/Queen

BOOKING SINGLE? ☐ Please try to match me with a roommate. (My age: ____)

II. AIR/TRANSFER PACKAGES

- ☐ We will provide our own roundtrip air and transfers to and from San Diego.
☐ Include air with our package from _____ (see list below).
☐ We need to purchase transfers from the airport to the ship at \$20 per person.

III. GENERAL INFORMATION

CITIZENSHIP: Is everyone a U.S. citizen? ☐ Yes ☐ No

If No, indicate citizenship: _____

DINING: I wish to dine with _____

DINNER: ☐ 8:15PM ☐ 6:15PM (conflicts with dining with speakers/events)

IV. PRE- AND POST-CRUISE TOUR PACKAGES

- ☐ Please send me information on pre-/post-cruise packages in San Diego.

Important!

Everyone cruising will be required to bring either a valid passport OR a certified birth certificate (with raised seal!), plus photo ID. Failure to do so may result in being denied boarding of the *Ryndam*. Children do not require photo ID.

Responsibility: Notice is hereby given that the cruise advertised herein, including all tickets, vouchers and coupons issued and all arrangements for transportation or conveyance or for hotel or lodging or for sightseeing services are made by H2O Ltd. d/b/a The Cruise Authority (TCA) on behalf of National Review, as agency for Holland America Line (HAL), and/or service providers and/or suppliers providing services necessary for operation of the tour upon the express condition that TCA shall not be liable for injury, damage, loss, accident, delay or irregularity to any tour participant or his or her property that may result from any act or omission of any company, contractor or employee thereof providing services in connection with the tour, including but not limited to transportation, lodging, food and beverage, entertainment, sightseeing, luggage handling and tour guiding. Furthermore, TCA cannot be held responsible for delays or costs incurred resulting from weather and road connections, breakdowns, strikes, riots, acts of God, authority of law or other circumstances beyond its control. In the event that a participant be entitled to a refund of monies paid, TCA will not be liable in excess of amount paid. TCA reserves the right to decline any persons as a tour participant at any time. TCA is not responsible for price increases imposed by HAL and/or service providers. Such increases may be implemented prior to deposit received. TCA is not responsible for breach of contract or any intentional or careless actions or omissions on the part of HAL and/or service providers, such as suppliers of tours or other services used or obtained on or at the time of the cruise or shore excursions, which result in any loss, damage, delay or injury to you or your travel companions or group members. TCA does not guarantee any of such suppliers rates, booking or reservations and TCA shall not be responsible for any social or labor unrest, mechanical or construction difficulties, diseases, local laws, climate conditions, abnormal conditions or developments or any other actions, omissions or conditions outside of TCA's control. TCA, nor National Review shall be responsible for the accessibility, appearance, actions or decisions of those individuals promoted for this cruise. By embarking upon his or her travel, the traveler voluntarily assumes all risks, and is advised to obtain appropriate insurance coverage against them. Retention of tickets, reservations, or package after issuance shall constitute a consent to the above and an agreement on your part to convey the contents hereof to your travel companions.

AIR TRAVEL: Let us make your air travel arrangements with Holland America's "Fly Cruise" Program, which offers a convenient air program that includes round-trip, economy-class air transportation (First Class air is available on request; you cannot use frequent flyer points to upgrade these airfares to First Class), and all baggage transfers, from the following cities:

AL Birmingham 669	FL Jacksonville 549	KS Wichita 549	MO Springfield 619	NC Raleigh/Durham 689	SC Columbia 689	VA Richmond 689
Huntsville 679	Miami 599	KY Lexington 619	St. Louis 559	OK Oklahoma City 619	Greenville 689	Roanoke 689
Mobile 599	Orlando 599	Louisville 619	MT Billings 519	Tulsa 619	TX Amarillo 619	WA Seattle 379
AR Little Rock 549	Pensacola 689	LA Baton Rouge 619	NE Omaha 619	OH Akron 619	Austin 559	Spokane 479
AZ Phoenix 289	Tampa 609	New Orleans 549	NV Las Vegas 309	Cincinnati 549	Corpus Christi 549	WI Madison 619
Tucson 289	GA Augusta 689	Shreveport 619	Reno 289	Cleveland 559	Dallas/Ft. Worth 539	Milwaukee 549
CA Fresno 319	Atlanta 599	ME Bangor 689	NJ Newark 609	Columbus 539	El Paso 549	
Los Angeles 259	HI Honolulu 809	Portland 689	NM Albuquerque 519	Dayton 619	Houston (IAH) 539	CANADA (\$USD)
Oakland 289	ID Boise 519	MD Baltimore 599	NY Albany 689	Toledo 619	Lubbock 619	Calgary 589
Sacramento 289	IL Chicago 549	MA Boston 669	Binghamton 669	OR Medford 369	Midland/Odessa 579	Edmonton 589
San Francisco 289	Peoria 619	Worcester 689	Buffalo 679	Portland 379	San Antonio 539	Montreal 669
San Jose 289	Springfield 619	MI Detroit 549	New York 609	PA Allentown 609	TN Chattanooga 619	Ottawa 679
CO Col. Springs 519	IN Evansville 619	Grand Rapids 619	Rochester 689	Harrisburg 689	Knoxville 619	Quebec 719
Denver 529	FT. Wayne 619	MN Mpls/St. Paul 559	Syracuse 689	Philadelphia 599	Memphis 619	Toronto 659
CT Hartford 609	Indianapolis 549	Rochester 619	NC Asheville 679	Pittsburgh 599	Nashville 619	Vancouver 439
DC Washington 609	IA Cedar Rapids 619	MS Jackson 669	Charlotte 679	RI Providence 689	UT Salt Lake City 459	Victoria 559
FL Fort Lauderdale 609	Des Moines 559	MO Kansas City 549	Greensboro 689	SC Charleston 689	VA Norfolk 669	Winnipeg 619

IMPORTANT NOTES: 1. These air add-ons apply to the cruise or cruise + pre- or post-cruise package. All transfers for air/sea passengers are included. 2. Should you elect to provide your own air transportation, note that transfers from the airport to the *Ryndam* (Port of San Diego near downtown) are not included; the distance from airport to cruise ship is very close. Schedule your arrival in San Diego leaving plenty of time for flight delay! You should arrive in San Diego no later than 2:00pm on November 16th. Your return flight from San Diego should not be arranged before 11:00am on November 23rd. 3. Should you wish to deviate your air from the "standard" schedule, Holland America Line charges \$50pp for this service. All requests must be sent in writing to The Cruise Authority. Air deviation fees are non-refundable. 4. Any special seat assignments or other requests must be made directly with the participating air carrier. You will receive your air schedule approximately 30 days prior to departure date. 5. Transfers are available for purchase from the San Diego airport for \$20 per person, and must be arranged for in advance via The Cruise Authority.

mission is to rule over a Muslim nation that will replace Saudi Arabia and have global reach. Nasser attempted to purify the region of Western taint through anti-imperialist rhetoric and the nationalization of Western businesses. For his part, bin Laden wishes to expel the West from the Middle East to purify the holy sites of the infidel's taint.

In the 1950s and 1960s, the West watched fearfully as Nasser bestrode the Middle East like a colossus. The problem was that his various grand designs kept coming to naught. He was twice humiliated by upstart little Israel, in the 1956 Sinai operation and then in the Six Day War. He brought Syria under his aegis in 1958 and then watched helplessly as his pan-Arab republic fell apart a few years later.

Still, the power of Nasser's rhetoric blinded the West to his failings. The same was true with other Arab potentates. Nasser succeeded in dragging the cagey but ever-pathetic king of Jordan into the Six Day War, to Hussein's everlasting grief. Hussein was fearful that a successful Egyptian war against Israel would mean that Nasser would march straight into the Jordanian capital and swallow up his country. So Hussein attacked Israel on the second day, and 96 hours later he had lost half his kingdom.

Still, like Nasser, Hussein was full of florid bluster as the war proceeded. "The painful events of the past two days," the little king wrote to the president of Iraq, "demonstrated to us that Arab brotherhood, Arab understanding and pure ethics expressed in the desire and longing for paradise—these will remain."

Syria, whose constant shelling of northern Israel was the instigating event of the Six Day War, had the Golan Heights seized from it. And even as his army was getting routed, Syria's soon-to-be-dictator, Hafez al-Assad, fed his military the same sort of hysterical malarkey as Hussein and Nasser: "O soldiers, 300,000 fighters of the People's Army are with you in your battle, and behind them, 100 million Arabs. . . . Strike the enemy's settlements, turn them into dust, pave the Arab roads with the skulls of Jews."

The bloody and violent talk from these three modern-day sultans may seem ludicrous in light of what actually was hap-

pening when the words were spoken. But the rhetoric points to an essential quality in the Arab political debate. That quality is dementia. There is no other word for it.

Nasser's argle-bargle was so hypnotically powerful he managed to hypnotize even himself with the idea that his enemy could not withstand his mighty and righteous rage. The madness persisted following the Six Day War, when Israel was ready to make far-reaching territorial deals with the very nations it had defeated. In the months following the war, Israel was ready to give back the Sinai to Egypt and the Golan Heights to Syria, and entered into negotiations on the creation of a Palestinian state confederated with Israel on the West Bank.

But rather than accept these concessions, the humiliated Arab nations met in Egypt and issued the famous "three noes"—"no recognition of Israel, no peace, and no negotiations with her." It took Egypt twelve more years to get back the Sinai. Syria has little chance of getting the Golan Heights back. And as for the Palestinians and the West Bank, just think what the world might have been like had the Arab political leaders ceased clinging to their dementia in 1967.

Nasser helped push the U.S. and Israel together after the war because of his demented conduct in it. If Israel was prevailing against him, Nasser thought, it could only be because the U.S. was doing the fighting. He and his people persisted in this deluded conviction for days, even after the U.S. State Department's notorious claim on the first day of fighting that America was "neutral in thought, word, and deed" when it came to choosing sides in the war. Nasser's only hope for turning the tide rested on the active participation of his Soviet allies. But the Soviets did not want a confrontation with the U.S. in the Middle East, and Nasser inadvertently helped convince them that America was firmly on Israel's side. Nasser's deployment of what Oren calls the "Big Lie" changed forever the way American politicians viewed the Middle East.

Of course, it also helped that Israel proved itself a winner in 1967. But Oren reveals that Israel never sought to be the kind of winner it turned out to be. The leaders of the Jewish state never intended to seize the Gaza Strip or the West

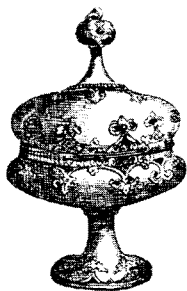
Bank, let alone reunify Jerusalem. And they wanted to move through the Sinai only to force Egypt to reopen international waters.

The most thrilling aspect of *Six Days of War* is the American-born Israeli historian's careful recreation of the hour-by-hour debates inside the Israeli government and military. "Beyond the goal of eliminating the Egyptian threat and destroying Nasser's army," Oren writes flatly, "no other stage of the conflict was planned or even contemplated." The politicians sought desperately to keep the war confined to the Egyptian theater alone, and even the astonishing nature of the Israeli military victories there caused them concern. The prime minister, Levi Eshkol, did not want control of the Gaza Strip and its large Palestinian population, but Egypt evacuated Gaza and left him no alternative.

Defense minister Moshe Dayan, who may have been the single most arrogant person ever to walk the earth, was insistent that the army stay out of Jordanian-controlled Jerusalem. He refused to authorize an offensive against the Syrian forces shelling northern Israel. In the end, though, the logic of war prevailed. No army that seeks to eliminate hostile enemies can fail to fight back—or to give chase when its enemies retreat. "The Israeli government never set specific goals for the war," the late Rehavam Zeevi, recently assassinated by Palestinian goons, told Oren. "The objectives rose from the bottom up, from the military to the political echelon. Only after the war did the government draw circles around our accomplishments and declare that these were its original goals."

The 1967 triumph saved Israel and gave the Jewish state new purpose. It also proved a tragedy, as it brought Israel unwanted stewardship over millions of Palestinians who seem to feel they have nothing to lose in an endless and bloody confrontation with the hated Jews. It is hard for rational people to understand the origins or cause of the madness of the present-day Palestinian body politic, which prefers the delusionary vision of a world without Israel to the real-world possibility of a nation sitting beside Israel. As *Six Days of War* demonstrates masterfully, the wellspring of that madness lies very, very deep within Arab political culture.

NR



They Admit It!

TERRY TEACHOUT

Radical Hollywood: The Untold Story Behind America's Favorite Movies, by Paul Buhle and Dave Wagner (New Press, 448 pp., \$29.95)

A LONG time ago in a galaxy far, far away, a bunch of evil white male right-wing racist Republican congressmen (pardon my redundancy) started a committee whose sole purpose was to libel liberals. No sooner did it come to the attention of these evil white male right-wing racist Republican congressmen that Hollywood harbored a lot of liberals than they held hearings designed to prove that the film industry was full of card-carrying Communists who were brainwashing innocent American citizens by filling their movies with Red propaganda. Of course they couldn't prove it, because it wasn't true, but they did succeed in smearing the good names of hundreds of fine upstanding artists whose only sin was that they exercised their God-given constitutional right to plead the Fifth Amendment rather than rat on their friends.

So, at any rate, goes the fairy-tale version of the House Un-American Activities Committee's hearings on Communist subversion in Hollywood. One part of it, believe it or not, is partly true: There was, in fact, a member of HUAC who was an evil white male racist. If you don't know anything about Representative John Rankin, suffice it to say that he made Osama bin Laden look like a charter member of B'nai Brith. (The gentleman from Mississippi was, of course, a Democrat, but never mind those pesky details.) Beyond that, the long-accepted version of HUAC's 1951 encounter with the

Mr. Teachout, the music critic of *Commentary*, is the author of *The Skeptic: A Life of H. L. Mencken*, forthcoming in November.

Hollywood Ten, the group of unfriendly witnesses who took the Fifth rather than discuss their political activities under oath, has a few holes in it, starting with the awkward fact that all ten writers and directors happened to be card-carrying Communists. So, too, were a great many other people in Hollywood, where it was—and is—infininitely more chic to be a Commie than a conservative.

All this, to be sure, has long since been acknowledged, however grudgingly, by serious historians. But what of HUAC's other claim—that Hollywood Reds were giving a sharp ideological tilt to the pictures on which they worked? Outside of a couple of famously half-witted pro-Soviet movies made during World War II (remember *Mission to*

■
**In Hollywood, it was—
and is—infininitely more chic
to be a Commie than
a conservative.**
■

Moscow?), the best the committee could do was cite a few silly examples such as "Share and share alike, that's democracy," a line uttered by Ginger Rogers in *Tender Comrade* and since quoted with gleeful contempt by countless left-liberal writers. Even the most balanced accounts of the period typically have little good to say about the HUAC hearings.

"Communist screenwriters and actors tried but had little success in injecting their ideology into movies," John E. Haynes declares in *Red Scare or Red Menace?*, his impeccably fair study of Cold War anti-Communism. "Of the many hundreds of films produced in the heyday of the Hollywood Reds, only a handful contain significant Communist propaganda."

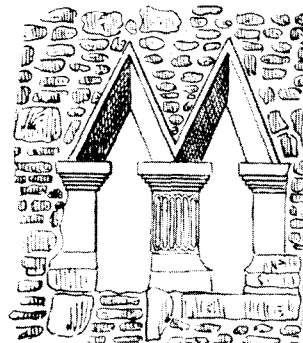
Hence it was with squeals of delight that I fell upon *Radical Hollywood*, a copiously documented new book by two lefties who prove that HUAC was

right all along. Paul Buhle and Dave Wagner, both of whom are firm adherents to the not-that-there's-anything-wrong-with-it school of thought on Communism in Hollywood, estimate that there were "nearly fifteen hundred films written, directed, produced, or with an original novel or story by a certified left-winger." Among them are a long list of "cult classics" ranging from *Life with Father* to *Murder, My Sweet*, which "owe heavily to the Hollywood Left (and are even identified as such by contemporary FBI reports)." Nor do Buhle and Wagner claim that the films themselves were ideology-free; they show, rather, that "idealistic, radical writers and directors" succeeded in infusing many of their films with "progressive" content: "It is Hollywood's biggest secret, surely, quite despite the notoriety of the blacklist, and is ours to delve for its mysteries and joys. We can only hope that the readers of this book will enjoy as much as the authors have the more and less subtle content available in the films themselves."

Unless you're a faithful subscriber to *The Nation*, you're likely to find reading *Radical Hollywood* somewhat like wandering through a funhouse. In the topsyturvy world of Buhle and Wagner, Dashiell Hammett and Lillian Hellman are valiant crusaders for truth, justice, and the American way, while Robert Warshaw, the great left-wing anti-Communist film critic, is a scab who understood *High Noon*, Carl Foreman's anti-McCarthy western, "the way that a

cop in a cruiser understands a minority neighborhood." That's actually a good line, though not nearly as clever as Billy Wilder's crack about the Unfriendly Ten: "Only one of them had talent. The rest were just unfriendly." At such heterodox shafts of wit, alas, the authors of *Radical Hollywood* turn up their

pink noses, for they are nothing if not earnest. I suppose it's possible that they like *some* art for its own sake, but there is little evidence of it here. For them, a good movie is a socially significant movie, be it *Hitler's Children*, "Edward Dmytryk's unusual attempt at B antifas-



cism in a political-horror-exploitation film," or *Swing in the Saddle*, "where ranchers help solve the manpower shortage through a sort of workforce co-op."

To their credit, the authors do somewhat better by *film noir*, which they correctly (if insufficiently) describe as "the cinematic triumph of the Left's filmmakers, writers, directors, and the occasional producer over adverse circumstances and ideological resistance from Communist aesthetic reductionism." Still, that last phrase is more than a little bit amusing, seeing as how *Radical Hollywood* is itself an extended exercise in left-wing aesthetic reductionism. I place in evidence the following ham-handed analysis of *The Wizard of Oz*:

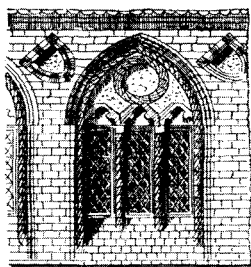
"The Wicked Witch Is Dead" has the feeling of liberation that [lyricist E. Y.] Harburg and his fellow Popular Front artists dreamed for a Europe free of fascism and for colonial citizens across what became known as the Third World, free of colonialism, both political and economic. Dorothy's companions, like her, actually on a fool's errand, nevertheless realize their own human potential, and so does she—after a silly and film-wasting chase scene. It's a message of hope in a darkening world.

As criticism, then, *Radical Hollywood* is pretty lame. But as social history it is spectacularly informative. Precisely because they are unabashed leftists, Buhle and Wagner revel in calling a Red a Red, in much the same way that gay film historians take near-lascivious pleasure in outing closeted film stars of the past, and I very much doubt there will ever be a more frank and thorough discussion of the extent to which the Hollywood Reds left their mark on American popular culture.

Along the way, *Radical Hollywood* offers a certain amount of unintentional comedy: "An erstwhile [Communist Party] organizer described going to a Hollywood writer's home where he was told of a 'great Marxist library' accessed with a button which, like an Abbott and Costello film, spun the bar around to expose the books—far more rarely absorbed in the course of left-wing

Hollywood activities than the contents of the bottles." More often, though, the moral idiocy of the Hollywood Left comes across as anything but funny:

Decades later, Carl Foreman told a Columbia University interviewer that the Communist branch, a marvelous organization in 1930s Hollywood, had died in 1939 with the Hitler-



Stalin pact but simply not known it. Actually, the party would enroll more members by far in the years shortly afterward, exercise far more political influence and hugely more artistic importance. But Foreman had a point. The spotless liberal name of the Party, won after an era of ferociously successful Red-baiting, could never quite be regained.

No, not quite. And after such knowledge, what remorse? A few Hollywood Reds recanted, but most wore their politics as a badge of honor. Years after Stalin had demonstrated beyond all possible doubt the true meaning of Communism, Abraham Polonsky, a "victim" of the blacklist and the writer and director of such stiff-as-a-board exercises in Hollywood-style socialist realism as *Body and Soul* and *Force of Evil*, could still say that "he did not insert 'political' themes into film dialogue simply because his films embodied, as a whole work of art, his understanding of Marxism." Needless to say, such doublethink was beyond the comprehension of the members of HUAC, and more generally of the political wing of the anti-Communist movement. One could scarcely expect the John Rankins and Joe McCarthys of the world to understand that the Cold War was in fact a culture war—one in which far too many American artists were indecently proud to be on the wrong side.

As for Paul Buhle and Dave Wagner, they offer in the introduction to *Radical Hollywood* a list of "people to thank for our intellectual journey back to the films of our childhoods and forward toward clearer views of film culture. The most important is Abraham Polonsky." I couldn't have put it better myself. **NR**

Masters of the Art

JAMES PANERO

The Traveler's Calendar: New Poems, by Daniel Mark Epstein (Overlook Press, 112 pp., \$24.95)

Collected Poems: 1952–1999, by Robert Mezey (Arkansas, 304 pp., \$22)

READERS will have noticed that NATIONAL REVIEW has been publishing serious poetry for nearly a year. Among the poets are Daniel Mark Epstein and Robert Mezey.

The distinguished poet Donald Hall has written of Daniel Mark Epstein, winner of the Prix de Rome, that he has "a vision as tortured and powerful as early Robert Lowell." Would you like to be described in this way? Probably not; Lowell was, after all, insane. But in Epstein's case, the comment resonates as praise: In his poems, moments of danger shimmer with heroic light. In "The Lion Tamer at 2:00 A.M.," for example, Epstein takes on the voice of a circus ringmaster:

The crowd is always on the lion's side
Against the man with the whip.
They wish the spangled girl would slip
From her spotlight on the trapeze
And fall like a meteor on the
ringmaster.
The inner eye turns glory to disaster.
Hard to survive this art, harder to
please.

Note the rhyme scheme: the surprise of whip/slip, the wit of ringmaster/disaster, the satisfaction of trapeze/please. Epstein delivers the unexpected with a showman's flourish. This slim volume, his seventh collection of poetry, has a breadth as great as the cultural landscape itself: Houdini, Edmund Morris's biography of Ronald Reagan, Pisa, Baudelaire, the execution of Timothy McVeigh. The theme of death, or of

Mr. Panero is associate editor of *The New Criterion*.

"death-defying"—of time and the seasons, of the narrowing separation between life and death—punctuates *The Traveler's Calendar*.

Epstein's new book arrives with the birth of his child ("T.H.E.") and his own middle age: "It was the middle of my life / If I were to live so many years again" ("The Royal Hotel in Pisa"). But the mortality lesson is gentle, sweet, never hectoring: "I thought of the poet's burden / To teach and delight, / No matter how little one knows / Or how much joy one is given" ("On the Official Biography of Ronald Reagan").

Robert Mezey crafts poetry with a deviousness that alternates between high classicism and friendly, sometimes bawdy witticism. While Epstein might be Pliny the Elder rushing to his destruction on Mount Vesuvius, Mezey is Juvenal or Catullus, most content in love, in companionship, in games: "Paul Gauguin / Was a ladies' man. / He loved them in Tahiti and Provence. / *Honi soit qui mal y*

pense" ("Interlude: More Clerihews").

This is not to suggest that Mezey is unserious—one finds here friendship, family, the death of those beloved—yet to borrow a line from NR senior editor Jeffrey Hart, the California-based Mezey smiles through his own catastrophes. In Mezey's accomplished hands, thoughts of time's passage become a meditation on life, as in the beautiful "Tea Dance at the Nautilus Hotel (1925)":

But they danced here sixty-five years ago!—
Almost all of them must be underground.
Who could be left to smile at the sound
Of the oldfangled dance tunes and each pair
Of youthful lovers swaying to and fro?
Only a dreamer, who was never there.

The spare language holds us on the verge of sorrow. The iambic pentameter recalls the rhythm of those youthful

lovers—the swaying to and fro of the dance floor. "Tea Dance at the Nautilus Hotel (1925)" ends with the information: "after a watercolor by Donald Justice." Sources of inspiration and influence are credited throughout Mezey's work. The poem "Evening Wind," for example, comes by way of "an etching by Edward Hopper": "Why then does she suddenly look aside / At a white window full of empty space / And curtains swaying inward? Does she sense / In darkening air the vast indifference / That enters in and will not be denied, / To breathe unseen upon her nakedness?"

Mezey's poetic indebtedness extends from friends through the origins of Roman elegy. His opening poem, "Dedication: for Donald Justice," combines the two; this piece is a retelling of Catullus's *Carmina* I, "Dedication to Cornelius." "To whom shall I give this skilled volume, / Rewritten a hundred times, and mulled, and polished?" is Mezey's version of "Cui dono lepidum novum libellum / arida modo pumice expoliturum?" A great deal of Mezey's work is a reworking of such Roman models. "I call it gloss or variation for the sake of greater accuracy," Mezey explains in his foreword. "Translation is a mirage, if not misprision." Such gloss and variation is a worthy addition to our poetic inheritance: It keeps the tradition alive.

Samuel Johnson is said to have remarked that "in every volume of poems something good may be found"; he thus unwittingly put a bad idea in the head of a good many college English professors. Few people should write poetry, or at least few should publish it. Poetry in the last 40 years has tended toward egalitarianism and narcissism—much of it is concerned with politics and personal expression, a poetics of me, myself, and I that displays little if any interest in tradition or form. But there is hope for those of us interested in issues of form, demonstrations of talent, and acknowledgements of the past. For every Adrienne Rich or August Kleinzahler there is a serious poet like Richard Wilbur, Geoffrey Hill, Dana Gioia, Donald Justice, Donald Hall, Edward Hirsch, Elizabeth Spires, Brad Leithauser, Daniel Mark Epstein, or Robert Mezey. "Poetry fettered fetters the human race," wrote William Blake.

NR

TEA DANCE AT THE NAUTILUS HOTEL (1925)

The gleam of eyes under the striped umbrellas—
We see them still, after so many years,
(Or think we do)—the young men and their dears,
Banding forward glances as through masks
In the curled bluish haze of panatellas,
And taking nips from little silver flasks.

They sit at tables as the sun is going,
Bent over cigarettes and lukewarm tea,
Talking small talk, gossip and gallantry,
Some of them single, some husbands and wives,
Laughing and telling stories, all unknowing
They sit here in the heyday of their lives.

And some then dance off in the late sunlight,
Lips brushing cheeks, hands growing warm in hands,
Feet gliding at the lightest of commands,
All summer on their caught or sighing breath
As they whirl on toward the oncoming night,
And nothing further from their thoughts than death.

But they danced here sixty-five years ago!—
Almost all of them must be underground.
Who could be left to smile at the sound
Of the oldfangled dance tunes and each pair
Of youthful lovers swaying to and fro?
Only a dreamer, who was never there.

—ROBERT MEZEY

after a watercolor by Donald Justice

Big Deals

JAY NORDLINGER

NOTABLE performers blow through New York all the time, but, now and then, there appears one who makes you stop and wonder. At the end of this past season, we had (at least) two such performers, one approaching famous, the other less known, but both striking in their own ways, and in similar ways.

We'll begin with Thomas Quasthoff: as remarkable a human being as he is a musician. He is a German bass-baritone, and he has acquired a large following. His concerts sell out, and his records sell fast. He has everything required to be a great singer: a supremely beautiful and adaptable voice; a rock-solid technique; keen musical intelligence; and those qualities that sometimes go by the name "intangibles." When he sings Bach, for example, we're tempted to resort to one of the worst clichés: It is a "religious experience."

It is Bach that Quasthoff sang in New York recently, with the Los Angeles Chamber Orchestra. He sang two cantatas—including the immortal "Ich habe genug"—and then signaled that he wanted to sing an encore. What, an encore? Impossible after such music! Quasthoff acknowledged as much in his remarks to the audience: but he went ahead and sang one anyway. And it was Kern and Hammerstein's "Ol' Man River"—kind of the American national anthem for basses (and bass-baritones, for that matter). This was surprising, audacious, and thrilling. Quasthoff's singing of the piece was utterly idiomatic, and suave. Paul Robeson was forgotten.

Quasthoff, in the best tradition of touring singers, knows how to push his audiences' buttons. He's also known to give his American audiences "Swing Low, Sweet Chariot," at encore time. A generosity of spirit, and an embrace of all humanity, shine through him.

Then there's the matter of Quasthoff's physical situation. Everyone who writes about him has to consider, I sup-

pose, whether to mention this. I've written about him several times, and never have—yet it's not irrelevant, to his life as a whole, to the totality of his achievement. Quasthoff is—to use a shockingly crude term—a "thalidomide baby." He was born in 1959, and was not expected to have anything like a normal life. And, of course, he hasn't: He has had an extraordinary, exalted life.

Singing is an intensely physical, not to say athletic, act. In a film for German television, Quasthoff described himself as follows: "1.34 meters tall, short arms, seven fingers—four right, three left—large, relatively well-formed head, brown eyes, distinctive lips. Profession: singer." When he performs, he stands on a podium. While singing, he sways from side to side, perpetually, sometimes rather violently. Whatever his equipment, and whatever adjustments he has to make, he gets the job done, to put it mildly.

Thomas Quasthoff is 'a lesson in life'—whether he likes it or not.

Among his recent discs are two featuring lieder of Brahms, Schubert, and Liszt. (Quasthoff's label is Deutsche Grammophon, as perhaps befits this son of Germany and proud, dedicated professor at Detmold Conservatory.) The voice is plush, but also clean. Quasthoff employs velvet, but also a little metal, if that can be imagined. A natural musician, he grasps the meaning of a score, and text, and conveys it to you. He indulges in no false emoting. He is without eccentricity or affectation. In everything he tries, he is honest and authoritative.

Quasthoff is even bound for the operatic stage, scheduled to appear as Don Fernando in *Fidelio* next spring at Salzburg. This is a significant and brave step, and the last piece in a complete singing career. Every trite expression comes to mind about Quasthoff: that he is unstoppable, indomitable, an example of human triumph. And it's all true.

He has caught the attention of the broader world, naturally, being profiled

in *People*, *Esquire*, and *Time*. He has even been treated to a segment on *60 Minutes*—not the usual lot of the German bass-baritone.

And yet Quasthoff is loath to make too much of the peculiar challenges he has faced. As British music writer Norman Lebrecht tells it, he has been withering about Andrea Bocelli, the Italian tenor who is blind, and a crossover sensation. "Why are big conductors making records with this guy?" Quasthoff said. "I am a teacher, and I know how hard it is to learn classical singing. He is not a classical artist." Asked whether Bocelli might have been formed artistically by the experience of adversity, Quasthoff retorted, "Obviously not formed well enough."

Quasthoff would be astounding enough as a "normal" great singer (!). But surely the conductor Colin Davis has a point when he says, "He is a lesson in life," too. Quasthoff lives a life of heroic dimensions—whether he likes it or not.

Our second arresting musician is Natalia Gutman, a Russian cellist. Never heard of her? Neither have most people, including those who know something about music. She has not had a big career in the United States, spending most of her time in Europe. Also, she has labored somewhat in the shadow of another Russian cellist, Mstislav Rostropovich, who was, in fact, a teacher of Gutman's. Is there room enough for two? There ought to be.

In the final weeks of the New York Philharmonic's season, Gutman appeared with conductor Kurt Masur to play the Cello Concerto No. 1 of Alfred Schnittke—a work that is dedicated to her, and of which she must be the foremost exponent. Her playing was simply stupendous. She caused one's jaw to drop. She sort of roused one out of the routine of concerts. At every level—technical, musical, emotional—Gutman was extraordinary. One said, "This is what music can do." Schnittke—a Russian composer of German ancestry—endured a lot in the USSR, and we hear it in the piece, and every ounce of it was brought out by Gutman, but with no excess. This was, above all, honest playing—and honesty is one of Gutman's hallmarks. Small wonder that the great Russian pianist

Sviatoslav Richter said, "She is an incarnation of truthfulness in music."

Judging from what literature exists on her, it seems that the musicians most important to Gutman have been Rostropovich, Richter, and her late husband, Oleg Kagan, a violinist (not to be confused with Leonid Kogan, another Russian violinist). (Oleg Kagan was first married to the pianist Elisabeth Leonskaya. Thus he achieved the feat of marrying two of his country's very best musicians.) Gutman's career was crimped by Soviet authorities somewhat, owing to her association with the troublesome Rostropovich. But her career has been able to blossom particularly in the last decade and a half.

■
**Natalia Gutman is rather
unsung, but as—if—she
becomes better known, she
will be 'sung' indeed.**
■

Her recordings are fairly numerous, although not always easy to find. She has recorded many of the big concertos, including the most popular of them all, the Dvořák, which she performs with Wolfgang Sawallisch and the Philadelphia Orchestra (on Seraphim Classics). Her playing on this disc is clean and graceful, and not the least histrionic—almost intimate. At times it seems more a piece of chamber music than a bursting Romantic concerto. Hers is the kind of playing—almost demure—not necessarily expected from a Russian, especially in a work like this. Just possibly, it is these expectations that Gutman means to confound.

The cellist is heard on the latest recording of the popular pianist Martha Argerich, of various Schumann chamber works (EMI Classics). Gutman joins Argerich for, among other things, the three *Fantasiestücke*, Op. 73, pieces usually reserved for clarinet, but here taken by the cello. This performance is sighing, wistful, nostalgic, and exquisitely judged. It is Romantic and heartfelt without being sobby. There is a remarkable evenness of sound in Gutman's playing, from the lowest notes to the

highest. It is one voice. This is something that singers strive for, and, indeed, Gutman's playing is frequently singer-like, as string playing—and much other playing—often ought to be. Gutman affords these simple pieces dignity and nobility. Even Argerich behaves!

Where Gutman is most plentifully represented is in a series of discs from Live Classics. This is a label established with the express purpose of memorializing her husband, Kagan, whom the founders thought neglected on disc. Many of the recordings are of chamber music, played by Kagan, Gutman, and their friends. For example, Gutman can be heard with Richter in sonatas of Saint-Saëns, Prokofiev, and Britten. The three of them—husband-and-wife and Richter—can be heard in trios of Franck and Ravel. These are invaluable additions to the wealth of the world's records.

Fasten, for a moment, on a disc devoted to Mendelssohn. With the pianist Elisso Wirssaladze, Gutman plays a transcription of one of the *Songs Without Words*. She uses a big, warm, soulful tone, and the entire piece is beautifully "breathed," a song indeed. Here is a musician who pays careful attention to dynamics: and yet, "careful attention" doesn't seem right, because there is no calculation or self-consciousness in Gutman. The music simply comes out right—as if there were no other way to do it.

Next we have Mendelssohn's Cello Sonata in D Major, Op. 58, a fine work seldom heard. Gutman is exciting, passionate, refined, assured. She conveys this composer's famous sunniness and easygoingness, as well as his contented genius. Gutman has loads of virtuosity—nothing is beyond her, technically—but we may take it for granted. The notes are in the bag. What remains is sheer musical expressiveness.

To complete the disc is a trio with Kagan and Wirssaladze—a happy collaboration.

In the world at large, Gutman may be unsung: but as more people hear her in the flesh, and on her recordings, she will grow more "sung," a cellist of the first rank, a performer regarded by other musicians as a model. **NR**

■ CITY DESK ■

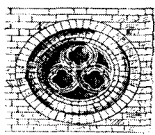
Ward Healers

RICHARD BROOKHISER

MY internist retired after a long career, and so I embarked on the quest that New Yorkers pursue with an intensity otherwise reserved for picking a mate, or a college for a child—the search for a doctor.

I had seen my doctor since the Reagan administration (first term). When I became his patient, he and his partner worked out of a converted two-bedroom apartment in a renovated brownstone in Murray Hill. The hallway and the examining rooms were decorated with historical prints of medieval doctors and their fiendish implements. In the back room sat an x-ray machine that was scarcely newer (it might have killed Mme Curie); the housing was a grainy black metal, like that of an old manual typewriter. Over time, the pressures of regulation forced my doctor to enter a larger association of physicians, called the X Group, as if they were an insurance company or an energy cartel. He was then to be found in a much larger and sleeker suite of offices, carved out of the ground floor of a hotel, behind an expanded bodyguard of assistants. Only he—and the copies of *People* magazine in the waiting room (my window on the culture)—remained the same. Now he is going, and I am alone in the world.

Many people never give their doctors a thought. The young, being immortal, don't need to, and others avoid medicine with the irrational insouciance engendered by fear. But if you do take an interest in your health and how to maintain it, New York offers you a wealth of options, probably unmatched in the country. In the 19th century, the East Side of Manhattan was a string of saloons, breweries, and slaughterhouses. Now it is a great phalanx of hospitals—factories of health with river views. Other institutions lord it over their own neighborhoods in different parts of



Manhattan, like Roman legions garrisoning the provinces. The contrast with the sticks can be shocking. I remember getting sick once up in the country. It took a 20-minute drive by night, past darkened truckers' diners and gas stations, to find a nurse and a tongue depressor. Never again. Unless I am spritzing from my carotid artery, I would drive the extra hour on into Manhattan.

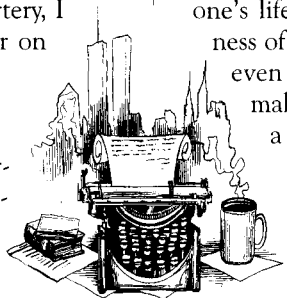
I search for a doctor by taking referrals from friends that I trust, and interviewing the doctors they suggest. The process teaches several things. New York is a capital of correct thought, but New Yorkers in fact operate by a thick rulebook of prejudices, most of which are true most of the time. The prejudice governing doctors is that most of them, and almost all the good ones, are Jewish. In *Portnoy's Complaint*, Philip Roth quotes the punch line of an old Catskills routine: "Help! Help! My son the doctor is drowning!"

Those sons and daughters are still charging through med school and saving lives. One Jewish and Jewish-looking friend of mine, whose Ph.D. is in English, can put on a jacket and tie, give his name, truthfully, as "Dr. Stern," and walk into any hospital in New York. Positive prejudices always have negative counterparts, and the negative counterpart in this case is disdain for Catholic hospitals. I inwardly gape whenever I learn that a friend has willingly entered one. Perhaps prayer makes up the differential. One shining exception to the Jewish rule was the surgeon who saved my life, Dr. John Ransom. He spoke with a soft British accent, but at an angle. I asked if he was from New Zealand; he said he had been raised in India. After ransoming my life with his skill, he himself died. R.I.P.

Dealing with many assistants and secretaries brings home the bureaucratization of medicine. The cause is not far to seek. American medicine has developed hosts of new procedures and products. Twenty-five years ago, we didn't have an AIDS epidemic, but we also didn't have AIDS drugs. Because we are not minded to socialize the process entirely (in part, in order to keep the innovations coming), the costs rise. The burden is distributed in a shell game between patients,

employers, insurers, and the government. Keeping track of the peas under the shells is the function of paperwork. In time, each M.D. will have a doppelgänger, a doctor of administrative medical science.

The most disquieting thing one learns from the interview process, and from one's life experience, is the randomness of medicine—the mistakes that even the best doctors and hospitals make. You have been writing like a demon, and your wrist hurts like hell. You go to a specialist who put a friend back together after a skiing accident, and in half a minute he diagnoses carpal tunnel syndrome. It is as obvious to him as the Lincoln Tunnel; he orders tests, only for the purpose of determining the severity of the case. When you take the tests, it turns out you have tendonitis. It is the difference between having an operation and letting time do its work. There is much worse. One famous hospital, with excellent doctors, has nursing care so slack and lethal that, if you must go there, you must hire your own nurses.



■
**Unless I am spritzing from
my carotid artery, I would
drive the extra hour on into
Manhattan.**
■

Some of these mistakes are fixable. But most are the necessary statistical losses involved in patching a dying animal. Your friends who fear doctors have a reason, after all. Doctors perform mundane miracles, but they cannot perform the ultimate miracle. "Therein the patient / Must minister to himself." The lesson, then, to be learned of any experience of medicine is charity. When your friends have to be in the hospital, even if they aren't your best friends, ask if they would like a visit. If they would, bring flowers and a vase to put them in. Bring something funny. I was once brought a book that contained an erotic Arabic poem about Margaret Thatcher. A silly card will do. We must all walk these valleys, before we walk the lonesome valley, and a little cheerleading helps. **NR**

■ SHELF LIFE ■

I'M not accusing you of being a bigot. I'm accusing you of being a fool. . . . I don't know if you're a bigot. I do know you're a fool." Thus spake James Carville to conservative columnist Ann Coulter on a recent segment of CNN's *Crossfire* shout show—offering eloquent proof of the main thesis of Coulter's excellent new book, *Slander: Liberal Lies About the American Right* (Crown, 256 pp., \$25.95). What Coulter contends, and proves through the deployment of massive amounts of footnoted evidence, is that the Left in the United States has been made so sluggish by years of dominance of the mainstream media that it has a great deal of difficulty in making coherent, intelligent arguments; it therefore resorts to labeling—and often libeling—dissenting views as "stupid," "crazy," and all manner of other vacant epithets that disguise the absence of any intellectual content in the labeler's attack.

Any fair-minded observer—one who has no partisan ax to grind for either Coulter or Carville—would have to recognize that Coulter is, at the very least, Carville's intellectual equal. Her 1998 book, *High Crimes and Misdemeanors: The Case Against Bill Clinton*, was probably the best of the anti-Clinton books (and boy, were there many); it was obviously written with a great deal of passion, but the real source of its strength—and its usefulness—was its painstaking marshaling of evidence. The same is true of this new book, which is an even more important work because it addresses a much broader issue, and one of more lasting significance.

Coulter is at her best in exposing the Left's double standards, which often shade over into outright hypocrisy. For example, according to the media stereotype, it's right-wingers who constitute the chief threat of censorship in the U.S.—but Coulter finds that left-wing would-be censors get a free pass. She points out that a couple of weeks after the

Lewinsky story broke on the Internet, Hillary Clinton

expressed concern about the "accessibility and instantaneous information on the computer." Too much free speech! . . . Mrs. Clinton raised the need for some "kind of editing function or gate-keeping function" for the Internet. Saying, "It is just beyond imagination what can be disseminated," Mrs. Clinton said, "we are all going to have to rethink how we deal with this." There are, she announced, "competing values." To wit: her electoral viability versus the First Amendment. So the First Amendment's got to go, the children need her.

Marvelous, and devastating. Ask any educated American, and he will tell you that the rabid right-wingers are out to censor the Internet with their antiporn legislation; but of those same educated Americans, how many know that Hillary, too, that icon of liberal icons, wanted to censor the Internet? There's a reason they don't know, which is made clear in Coulter's book: Inconvenient facts, such as this one, simply don't fit the story the media want to tell.

Coulter is, in a sense, a victim of her own rhetorical brilliance: Her gift for phrasemaking occasionally distracts attention from some accomplishments of genuine intellectual substance. Don't be misled by the fact that so much of this book is fun to read.

■ It's possible that someday, a thousand years hence, Winston Churchill will be remembered less for his heroic rallying of the West to win World War II than for his masterful books of history. After all, *littera scripta manet*: It is the page that endures.

Scholar Algis Valiunas has just published a valuable book about Churchill's literary achievement. *Churchill's Military Histories: A Rhetorical Study* (Rowman & Littlefield, 197 pp., \$39.95) is an excellent introduction to the great man's moving and detailed accounts of wars ranging from the Norman

Conquest to World War II. Valiunas says Churchill's writings are very much of a piece with his brand of statesmanship: Just as Churchill understood "what it meant to be the greatest man in a modern democracy during a time of crisis," he also was "ever aware" that he was writing his "aristocratic history . . . for democratic times." He combined the traditional historian's focus on politicians and generals with a genuine love and respect—based, it must be said, on personal experience—for the man in the trench.

Churchill's literary reputation is in somewhat of a historic trough these days. It is largely forgotten that back in the 1950s, he won the Nobel Prize for Literature—an amazing accomplishment when you consider that most politicians, then as now, were producing ghostwritten books unworthy of a moment's attention, never mind of elevation to literary glory. Valiunas's book might help restore Churchill, the writer, to the level of recognition he deserves.

■ "I have been told this book is useless." Thus begins the disarmingly candid preface of Patrick G. D. Riley's *Civilizing Sex: On Chastity and the Common Good* (T&T Clark, 250 pp., \$28.95). "Those who think sexual freedom is destructive don't need it, while those who think sexual freedom is a good thing . . . won't read it. Or if they do, they won't be persuaded by it." But Riley is writing not as a scold but as a scholar—"to offer historical and philosophical support for the conviction that marriage and marital fidelity are necessary preservatives of every society."

Riley used to teach philosophy at the Catholic University of America, and he puts his intellectual background to fine use in this book—analyzing the function of the chaste family in society as it has been understood in the Western philosophical tradition, as well as in the Judeo-Christian system of revealed religion.

Sex is, in our culture, exclusively a private concern; yet it is also close to omnipresent in the public sphere—a pervasive source of entertainment, discussion, and rancorous polemic. Riley explains that this most private of matters has always had—and will continue to have—public consequences.

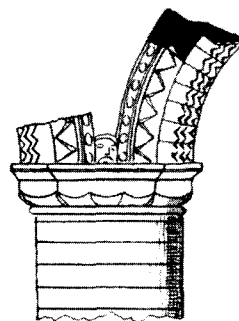
How should we "civilize sex"? Somewhere between a Manichaeian, sex-hating puritanism and a lustful license heedless of the interests and feelings of others lies the sensible *via media* that treats human sexuality with the respect it deserves; approximating this *via media* is the way to build a sensible—and healthy—society. Riley's book points us in the direction of great wisdom.

■ The old saw that Jewish people earn like Episcopalians but vote like Puerto Ricans may be less true than it used to be, but there's still a long way to go, according to Larry F. Sternberg, the author of *Why Jews Should Not Be Liberals* (Pentland, 214 pp., \$20). The author makes the impassioned and bracing argument that conservatism is the political philosophy most consonant with the values of the Torah:

Throughout today's liberal philosophy there weaves the thread that says that the average American citizen does not have the brains, the temperament, or the common sense to make the decisions by which he and his family can have decent lives. . . . Does Judaism say that the average person does not possess the common sense to know what is important in his life? To the contrary, throughout the Torah are challenges to the Israelites to either accept or reject God's message . . . all choices to be made by the individual, either to his benefit or his detriment.

Let us join Sternberg—and the Book of Leviticus—in proclaiming liberty throughout the land.

—MICHAEL POTEMRA



■ CLASSIFIED ADVERTISEMENTS ■

BUSINESS OPPORTUNITIES

WORK FROM HOME. Health & Nutrition. \$1,500-\$8,000 Part-time/Full-time. For more information call: 888-211-3394.

EDUCATIONAL OPPORTUNITIES

BIBLICAL JOURNALISM. Christian, are you interested in being a journalist? The World Journalism Institute has a number of journalism credit courses scheduled throughout the year in New York City, Washington, D.C., Los Angeles, California, and Asheville, North Carolina. Check us out at www.worldji.com. We may be Right for you.

FRIENDSHIP, ETC.

SINGLE BOOKLOVERS, linked nationally since 1970. P. O. Box 117, Gradyville, Pa. 19039. 610-358-5049 or www.singlebooklovers.com

HOTELS

"Rated One of New York City 'Best Value' Hotels." ... Zagats



New York's all suite hotel is located in the heart of the city, near corporations, theatre & great restaurants. Affordable elegance with all the amenities of home.

MURRAY HILL EAST SUITES

149 E. 39th St. (Bet 3rd & Lex) New York, NY 10016

Reservations 1-800-248-9999

Ask about our special National Review rates.

LITERARY

UNRAVEL A MYSTERY! Armchair Detectives call for free catalogue of vintage to 70s mystery books. E-mail Cloak & Dagger: siralewker@aol.com or phone 845-371-6739.

INDEPENDENT PUBLISHER seeking politically incorrect fiction/non-fiction. ElderberryPress.com. Query: 541-459-6043.

SEPTEMBER '02 RELEASE. Barbara Nauer's shocker, *Why Johnny's Teacher Can't Read: How Educators Failed Black America*. Soft, 198 pp., \$10 shipped (free S & H) on orders paid by 9/1/02. www.gloryarts.org

BECOME A PUBLISHED AUTHOR. Quality subsidy publisher accepting manuscripts. 800-695-9599.

ORGANIZATIONS

AMERICAN PLURALISM SOCIETY. Developing traditional cultures within a multicultural society. P. O. Box 32813, Palm Beach Gardens, Fla. 33420.

PERSONAL

ARTIST-DESIGNER, 40, INTELLIGENT, ATTRACTIVE, FUN-LOVING FEMALE seeks nice guy 40-50. E-mail: barbrastarr@earthlink.net

OLD FART. 69 years, 6', 185 pounds (alas, somewhat at the waist). Retired Foreign Service. Speaks Italian/French. Been everywhere. Done everything. Drinks/smokes. Nasty conservative. Lives on old/nice Hatteras, near Beaufort. 2 ex-wives/3 children/2 grandchildren. Been there. Done that. Looking for good woman. Volunteers? 252-808-4097.

RELIGION

TRADITIONAL ANGLICAN WORSHIP. CATHOLIC FAITH, EVANGELICAL PREACHING. Call the Anglican Catholic Church Information Center. 800-506-7616. www.anglicancatholic.org

NR REPRINTS AVAILABLE

"The War On Drugs Is Lost" (\$1.70)

"To Be a Pilgrim—WFB's Visit to Lourdes" (\$1)

"The 100 Best Conservative Movies" (\$1.50)

(Please add 50 cents for shipping and handling.)

Send to: NATIONAL REVIEW

215 Lexington Avenue, New York, N.Y. 10016

Specify selection.

CLASSIFIED INFORMATION

Rates: \$4.50 per word (10-word min.). Phone number, zip code, all permitted abbreviations (P.O. Box, S.A.S.E., etc.) count as one word.

Contact: Tony Savage, NATIONAL REVIEW, 215 Lexington Ave., New York, N.Y. 10016. Fax: 212-696-0340. Tel.: 212-679-7330.

THE OFFICIAL NR CAP

**Official Headgear of
America's World
Champions.
Stitched Logo.
One Size Fits All.
Navy Blue/Off-White.
\$17.95 Each.
Extra Caps \$11.00**

**One cap \$17.95. Extra caps \$11 each.
Special offer: No shipping/handling charge.**

Name

Address

City

State Zip

Number of caps:

PAYMENT METHOD

☐ Check enclosed (make payable to "National Review")

Bill to: ☐ MasterCard ☐ Visa

Acct. No.

Expir. Date

Signature

* Total payment \$

* NY State residents include sales tax.

Mail to: National Review, 215 Lexington Avenue, New York, NY 10016

WILLIAM F. BUCKLEY JR.

Opportunism

NEW YORK, JUNE 21

EVERY now and again, interrupting the daily monsoon recording the work of the miserable priests who have labored so successfully to undermine the Catholic Church, one hears a little beep of protest. Against the iniquitous priests and negligent bishops of course, but against, also, a lurking and sometimes near-exultant pleasure of the sort that lets you be properly happy when the proud are humbled, the unassailable deservedly assailed. The Catholic Church is, in some quarters, an institution one loves secretly to hate, to deride, to envy. For one thing, Catholics are Christians who go to church pretty regularly, which is annoying to some Christians who do not make the effort. And their Church is a mammoth institutional presence, which provokes jealousy. It is gratifying to have objective grounds for disparagement. It is so, *mutatis mutandis*, with the Jews. It would be a happy day for lots of people if a generation of Jews grew up illiterate, such are the workings of envy. If God were to reappear on earth for the sole purpose of disavowing the Pope, a lot of people would be persuaded to reaffirm their belief in God.

Thomas Keneally isn't of the class of ignorant critics of the Catholic Church, far from it. He is the learned and gifted novelist with very direct experience as, to use his words, a "questionable Catholic." But his essay in the current *New Yorker* exfoliates anti-Catholicism of the kind given vibrant life by the scandal of the miscreant priests.

He says it right away in an opening paragraph: He is a young man, the son of a postman in Australia, and decides to enter a seminary. The family doctor tells his mother, "Tom has idealized the Church. It's going to be a great shock to him when he finds out that priests are human." That is of course true, though not more so than the shock many young men come upon when they discover that human beings are human.

So Mr. Keneally spends a paragraph or two on his youthful idealism, during which he sang "Faith of Our Fathers"—"learned from an Irish nun in the midst of a withering Australian drought." (Did he mean *during* a drought?). A looming

pledge to lifelong celibacy didn't distract him. His thoughts about sex were, when intellectualized, that it was something of clinical interest. When considered intimately, "sex seemed a grasping, howling animal thing."

But the life of a priest was not to be. Six years later he was seasoned in the knowledge that priests in the seminary could be "odd or capable of cruelty"—that much he discovered right away. What he was feeling his way to discovering, after six years, was that behind the "compelling mystery of Catholicism" was "a cold and largely self-interested corporate institution." For example, when a seminarian got tuberculosis, therapeutic expenses were given over to his family to undertake. "The young men were welcome to return if they recovered, but they received no gesture of sympathy, no gift, no visits from the staff of the seminary." Something is indeed odd here. Can all those TB young men have been unprepossessing?

Then six months before the ordination Thomas Keneally had "what in those days was called a nervous breakdown." We are left without any clue as to what we would now call whatever it was young Keneally had. And then, "During my final meeting with the rector, I asked him if he could give me a reference in the outside world. 'Oh,' he told me grandly, 'we don't give references.'"

"Although I had willingly tried to satisfy the demands of the Church for six years, he was telling me that the insti-

tution owed me nothing. It was up to me to remake myself with the few unuseful resources I had acquired (among them an ability to speak medieval Latin). The rector's indifference to my future was not the 'social justice' of which bishops spoke, and I left the meeting furious."

The seminary had provided, free of charge, six years of food, board, education (it takes time and patience to teach somebody to speak Latin). Then, just weeks before the ordination for which the cold rector and staff had devoted six years to qualify him, he has a nervous breakdown, backs away from the vocation, and wants a "reference in the outside world." Attesting to what? That young Keneally could easily be made furious?

He had wondered "whether my increasingly irrepressible desire for women was a sin." Well, the desire may have been (progressively?) irrepressible, but Tom Keneally is married (to a once postulant nun), and has two children, and writes bestsellers but has not missed the mood of the season, which is to contribute to the great lore of anti-Catholic sentiment.

The Bush Initiative

NEW YORK, JUNE 25

THE dreams of George W. for the Mideast are gratifying, but has he done anything to advance them?

Some weeks ago in this space, after the Passover massacre, we suggested that the Israelis reach into the compound, extract Arafat and his closest advisers, and shoot them. Guilty by Association with Terror.

Mr. Bush is asking for something much more difficult, which is to replace Arafat as if he were merely this season's ambassador from Palestine, declared, after much deliberation, *persona non grata*.

The leverage we have on internal political arrangements in Palestine is very slight. When President Mubarak of Egypt was here, what he said was what the Saudis had been saying, namely: Give the Palestinians statehood and reforms might then be expected. We haven't done that, except prospectively. "When the Palestinian people have new



"You gotta sign this permission slip, Mom—my sex-ed class is taking a field trip to 'Hooters.'"

leaders, new institutions, and new security arrangements with their neighbors, the United States of America will support the creation of a Palestinian state." The 1967-border state? No, a state "whose borders and certain aspects of its sovereignty will be provisional until resolved as part of a final settlement in the Middle East."

We have advised the people of the West Bank to depose the leader they have got on with for 30 years. Do we expect that the Palestinians will take the Ceausescu road to this end? Just shoot Arafat?

Then we ask them to eliminate corruption. If they can manage to do this, and to bottle the formula, they can get in exchange for it from the Russians, Lenin's tomb, and from the Chinese, the Forbidden City. Meanwhile, the Palestinians are to get new leaders, new institutions, and new security arrangements with their neighbors. (Are they to have new security arrangements with Egypt, Jordan, and Syria?)

All this, it is hoped, can be accomplished in three years; whereupon the Palestine State will be born. By recent historical standards, that is a moderately fast schedule. We occupied Japan and Germany not for three years, but for ten, generating and refurbishing democratic institutions. And we had overlords in place, superintending the process, men of the character of Douglas McArthur and John McCloy. Do we propose to send someone to Ramallah to take the place of Arafat? Who? George Tenet?

What is it expected that the United States will do if Arafat is deposed tomorrow, and terrorism nevertheless goes on?

The spiritual leader of the Hamas movement has been confined to his quarters by the government of Arafat, suggesting that Arafat is genuinely opposed to continuing suicide raids. But can he end them?

For all that it is our objective, strategic and emotional, to deny the stated objectives of the terrorists, it is precisely they who have moved us to new and strenuous diplomacy and to the language of ultimatums. Mr. Bush managed to say to the Palestinians on Monday that the thing they most specifically desire, which is statehood, they will specifically not achieve: until there is a cultural revolution in the land.

What will come of President Bush's initiative?

Probably more terrorism.

Redirecting a Managerial Class

NEW YORK, JUNE 28

I KNOW a distinguished social pathologist who is wondering, at this juncture, whether there is a new component in the economic picture in America. Something is certainly new, given the near-daily advent of a fresh company detected in evasion and worse.

The free-market models give us: entrepreneurs; stockholders; accountants; federal watchdogs; bankruptcies;—and jails. The mix of those elements is supposed to encourage thrift; investment; merchandising; and profits—to the stockholders and to the buying public.

What appears to the inquirer as unique in today's situation is a body of actors who disengage from the accepted disciplines and do so with apparent impunity. The big question today is: Are these individual miscreants, or do we have an operating class, beyond the reach of the law, on the order of the profession of prostitution?

We have here the second wave of apparently deracinated evildoers, in the course of a single year. The first was the priests, who in outrageous defiance of primary obligations of their profession, abuse children, no less. Abusing stockholders is perhaps less iniquitous. But this set of miscreants are giving reasons why they did as they did, high exercises in self-exculpation art. When an official of WorldCom reports that he could see nothing wrong, let alone unusual about classifying moneys dispensed as capitalized expenditures when in fact they were moneys spent in doing business, the question arises: Can that man see *anything* as wrong? And if so, does he emerge as simply one criminal practitioner, or is he a member of a class newly acceptable in American business?

There has been speculation over two generations about who actually controls business enterprise. James Burnham, in 1940, argued the thesis of the Managerial Revolution. It isn't the stockholders who run things, it is the people they nominate to serve in management, people they almost immediately lose control of, he argued. This is so because keeping up with what they do, let alone supervising what they do, is a practical impossibility. Stockholders are left with

the power to remove, which can be likened to the power of Congress to impeach. They have the advantage of a hypothetical watchdog, requiring the execution of certain formalities, like a company's annual reports. What was envisioned as supplementing stockholders' rights was the concept of the *public's* rights. A WorldCom CEO who dissimulates damages his stockholders, but hurts also a public that, taking heed of what happened at WorldCom, Inc., hesitates to back other ventures; slowing down the dynamic of capitalism, and inducing skepticism about the very idea of private enterprise.

Congress is busy trying to come up with revised systems of auditing. The most prominent reform being discussed is outlawing the accounting firm that acts in a second capacity as company consultant. That idea would seem to be commendable, though the practice of it could be hard on the smaller of the 16,000 publicly traded companies that would now have to add an entire service echelon to the cost of doing business.

What is needed quickly and extensively is: punishment.

In the late 1930s, no less a figure than a former president of the New York Stock Exchange went to jail for the misuse of funds.

This is not a call to the denial of due process, but a call to the legitimate use of public punishment as a retributive act. In the public-school lore of Great Britain there is the story of the senior boy nailed for public indecorum and had up for a flogging. He pleads, in deference to his seniority, to be punished outside the view of voyeuristic fellow students.

Permission denied, on the grounds that the public humiliation was an essential part of the punishment.

Richard Whitney was sent to jail in 1938. We need his successors to go to jail in 2002.

The alternative is to sit by, supine in the gestation of a managerial class that violates the very idea of a capitalist class bound by laws and practices that make it a proud part of a free economy.

This is a very real public issue and inevitably will separate many Republicans from many Democrats. The possibilities open to demagogues are great. But the Republicans would do eternal disservice to their responsibilities if they failed to take action against the great post-Marxian challenge to capitalism.

—UNIVERSAL PRESS SYNDICATE

FLORENCE KING

SLIPPING in under the wire seems to be a specialty of mine. I graduated from public schools in 1953; "under God" was not inserted into the Pledge of Allegiance until 1954, so I am a member of the last class to recite the old version. It's still seared on my brain; now, whenever I have occasion to pledge allegiance, I always finish ahead of my juniors because I automatically leave out "under God."

Having slipped in under the wire, I will now fall between the slats. I am on both sides of the Ninth Circuit's ruling, and for all the wrong reasons.

My main impetus for siding with the court is contained in the statement by House Democratic leader Dick Gephardt, who said he saw "no reason to change the time-tested, venerable pledge." This was only to be expected from a middle-aged liberal who doesn't look a day over 14, but it goes to the heart of the issue. I might be able to work up the requisite conservative fury if "under God" had been in the Pledge all along, but where is the conservatism in defending something that new when it was not even carefully thought through in the first place?

"Under God" was stuck into the Pledge on the spur of the moment at the height of the McCarthy era as a tool to fight Communism, a Republican brain-storm propelled by the same kind of bipartisan mawkish naivete that makes liberals go dewy-eyed over "people-to-people" student-exchange programs as a force for peace. That our penchant for mawkishness remains undiminished was evident when a bevy of congressmen trooped out to the Capitol steps the other day and recited the Pledge, careful to shout out "under God!" like defiant pupils in a rehearsed plan to annoy the teacher.

Americans are suckers for empty gestures. Our doltish leadership is helpless to stop terrorism and the country is facing economic ruin from the corporate banditry of our neo-Robber Barons, so it's

time to distract us with one of those all-absorbing hokey crusades that we do so well. It won't be long now before oil tankers start exploding, banks start failing, goldbugs start fleeing, and computer hackers figure out how to open the floodgates of Hoover Dam, but, as our grand-standing leaders well know, we will be too busy shouting "under God!" to notice.

The phrase suggests yet another kind of mawkishness to me: clutter. I dislike manger scenes on public property for the same reason. I don't care who is spiritually offended by them; I am aesthetically offended by their whatnot-shelf "too-muchness." The first time I lived up North, in Bayonne, N.J., I kept recoiling from the life-sized manger scenes in people's yards, six-foot saints in magenta and vermilion robes, with gilt halos affixed to coat hangers coming out of the backs of their necks. My reaction sprang from more than run-of-the-mill tidiness; I have a compulsion to create empty spaces. Call it agoraphilia if you wish—it's my only chance to be a phile instead of a phobe or a thrope—but I'm happiest when I'm getting rid of something. To my way of thinking, "under God" is no different from a pile of old magazines or the accumulated detritus in a desk drawer—out it goes.

Adding "under God" in the Pledge cluttered up the unequivocal spartan simplicity of the original language and made it go "off," so that it just doesn't flow right anymore. There's a rhythm to good prose, which is why I oppose the use of too much punctuation and textual enhancements. If you write a sentence with the proper attention to rhythm, you don't need to add emphasis. You can pick the reader up and carry him along with you—dance with him, as it were—so that he catches your rhythm and supplies the italics and commas in his own mind. No argument by me would be complete without an off-the-wall point that has nothing to do with anything, so here it is: If you danced to the Pledge, "under God" would make you miss a step.

So much for why I side with the court's decision. Now I'll tell you why

I'm against it. First, I am sick of all this individualism. Americans bray incessantly about what individuals they are, but the fact is, individuals are the rarest of breeds. Most people aren't even unusual, but an increasingly popular way to banish this hard truth is to file a crazy lawsuit and acquire a one-of-a-kind moniker such as "the woman who got \$4 million for spilling coffee on her t**t."

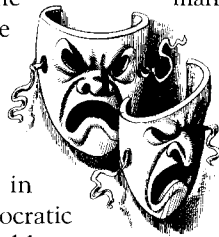
One way to restore legal sanity is to make Mary McCarthy's novel, *A Charmed Life*, required reading for all judges and the would-be rugged individuals who come before them. It's about a moral crisis in a place completely unaccustomed to dealing with such: a bohemian artists' colony. One sentence in particular would make a useful guideline for atheists trapped in a worship service, as well as an inscription for a bronze plaque to hang on courtroom walls: "The true individualist has the courage to wear a mask."

Truth be told, I've had it with the First Amendment because I am a Royalist, and the biggest stumbling block to an American monarchy is our fear of an Established church. We can't have a monarchy without one because we can't have a coronation without one. It's a question of holy oils. An unanointed monarch is a *roi manqué*, but only three faiths—Roman Catholic, Orthodox, and Anglican—have holy oils.

What to do? A greasy king being better than no king at all, the American royalist is tempted to suggest that all three faiths conduct a tripartite coronation, but this is fraught with danger. Americans are so terrified of leaving any religion out of the running that we would have to have an ecumenical coronation by representatives from every creed, oleaginous or not.

There is no telling where it would end, or if it would end except in the death of the monarch. By the time he was Born Again, Circumcised Again, held underwater, plunked down on a bed of nails, and forced to play with rattlesnakes, we would find that we had once again snatched self-defeat from the jaws of compromise.

NR



Miss King can be reached at P.O. Box 7113, Fredericksburg, Va. 22404.

Fast Track is the Defining Trade Issue

Manufacturing is a major source of America's wealth. Our strong manufacturing base has helped create a prosperous middle class and enabled the USA to be the arsenal of democracy for almost a century.

Yet, American manufacturing is endangered now, as never before. Free trade ideology is the main threat – especially as embraced by US multinational companies at the beginning of the 21st century. There is a sounder, more nationally advantageous view – espoused by Henry Ford at the beginning of the 20th century.

Ford advocated US companies building a domestic economy where American workers could afford the products that they make. “Globalist” companies advocate increasing their stockholder value by moving factories, labs, and jobs to wherever the lowest wages can be found.

Today, that globalist view prevails in Washington. As a result, our government has entered into trade deals, such as NAFTA, that encourage US manufacturers to relocate in low-wage countries such as Mexico and China. Last year alone, America lost 1.3 million good-paying manufacturing jobs, largely because of these US trade policies.

And the US trade deficit is now almost 5 percent of our Gross Domestic Product – a level which Federal Reserve Chairman Alan Greenspan calls “unsustainable.”

Politically, American deindustrialization is now reduced to one piece of legislation before Congress – “Fast Track.”

The President wants to negotiate more NAFTA-like, job-destroying trade deals without debate. To assure quick ratification, the President wants Congress to suspend its normal legislative and constitutional procedures and rubberstamp approval of these pacts.

Supporters of such “Fast Track” legislation would put America into more NAFTA-like trade deals.

Opponents of “Fast Track” want Congress to perform its Constitutional duty and carefully weigh whether specific provisions of trade pacts are in America's best interests.

**We urge all our Representatives
and Senators to vote a resounding
NO on “Fast Track”**

THE UNITED STATES BUSINESS AND INDUSTRY COUNCIL
910 16th ST NW, Washington, DC 20006 ♦ 202-728-1980 ♦ www.TradeAlert.org

For more than 30 years, the UPS Community Internship Program has taught some surprising lessons. Just ask Jim Winestock. As a rising executive, he was sent to rural Tennessee to enhance his management skills. He worked in a soup kitchen, volunteered at a police department and helped a poverty-stricken family build a home. It was a different Jim Winestock who returned to UPS a month later. One who could easily relate to all kinds of people. Not just on a professional level, but on a human one. To hear Jim tell it, that will make anybody a better manager.



WHAT CAN BROWN DO FOR YOU?™

THANKS TO A UPS TRAINING
PROGRAM, JIM WINESTOCK MET SOMEONE
HE DIDN'T KNOW.

JIM WINESTOCK.



community.ups.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED